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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, whose Kingdom is above all earthly kingdoms, we praise Your Holy Name. Forgive us for having left undone the things we ought to have done and for doing the things we ought not to have done. Deliver us from those forces that obstruct the making of a nation and world of justice, peace, and righteousness.

Lord, give our lawmakers the wisdom, courage, and strength needed for our times, providing them with Your sustenance from the wealth of Your celestial riches. Equip them to serve You and country with a full measure of grace, strength, and wisdom.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 17, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### TAX REFORM

Mr. McCONNELL. Mr. President, another wave of economic optimism is breaking across America after last month's historic tax reform legislation. Already, for weeks, we have seen special bonuses, pay increases, and other tax reform benefits delivered to workers across the Nation.

These immediate benefits are just the first fruits. Tax reform is also planting the seeds of long-term wage growth and job creation by making America a more attractive place for entrepreneurship and for investment.

We learned last week that the automaker Fiat Chrysler is renewing production lines in America where prohibitive business taxes once stood in the way. Now, 2,500 new jobs are coming to Detroit, thanks to tax reform. Just yesterday, I was pleased to announce that Humana, which employs more than 12,000 Kentuckians, is accelerating pay incentives and increasing its minimum hourly wage because of tax reform. The good news keeps coming. Toyota and Mazda are doubling down on existing investments in the United States, announcing plans to create 4,000 new jobs in Huntsville, AL.

The world is noticing that America is open for business, and in large part it is because we have shaken off an outdated, burdensome Tax Code. Reforming the Tax Code was not easy. It was

made even more challenging when none of our Democratic colleagues in the House or the Senate—not one—stood with taxpayers and job creators to vote for this once-in-a-generation tax relief, but thanks to Republican majorities in Congress and a Republican White House, the benefits for working Americans are just beginning.

### FISA

Mr. McCONNELL. Mr. President, now, on another matter, the Senate will soon vote to reauthorize important provisions of the FISA Amendments Act. This includes section 702, one of the most important tools used by our national security community to combat terrorism and to keep Americans safe. It gives our law enforcement and intelligence communities the ability to collect communications from foreign terrorists on foreign soil who wish harm to America and our allies. This capability is absolutely vital to the success of defense and intelligence operations.

To be absolutely clear, section 702 does not allow the targeting of American citizens, nor does it permit the targeting of anyone of any nationality who is known to be located here in the United States. Five years ago, Congress reauthorized the title with overwhelming bipartisan support. Today, it is time to do so one more time.

It is no secret that the world remains dangerous. Terrorist groups remain as intent today as they did on September 11, 2001, on harming Americans and those working with us overseas. As the tragedies of that day become a more distant memory, we cannot grow lax and deny our defense and intelligence communities the tools and resources they require to prevent future attacks.

I look forward to renewing the bipartisan consensus on this issue and voting to reauthorize this important provision very soon.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S213

## FUNDING THE GOVERNMENT

Mr. MCCONNELL. Mr. President, now, on another matter, as we all know, Congress has until Friday to reach an agreement that ensures continued funding for the Federal Government. By now, it is clear we are not yet ready to move ahead with a major agreement on long-term funding for our Armed Forces, nor on our immigration policy. Serious, bipartisan talks are underway on these issues and other key priorities. Compromise solutions are not out of reach, but for now, Congress needs to keep the government running. There is no cause whatsoever for manufacturing a crisis and holding up funding for the vital services of the Federal Government.

What is more, the near-term solution that Congress must pass this week will not only provide uninterrupted government funding, it will also contain a 6-year reauthorization of the State Children's Health Insurance Program. This is a Federal program that covers nearly 9 million children in low-income families. It ensures that economic hardship will not stand between struggling American families and medical coverage for their children. S-CHIP enjoys widespread, bipartisan support, with dedicated champions on both sides of the aisle.

The funding bill we will take up in the Senate will reauthorize the program for 6 years, even longer than the bipartisan compromise the Senate Finance Committee reached just last year. So Senators face a lot of hard decisions, but this is not one of them. A bill that prevents a government shutdown and funds S-CHIP for up to 6 years should be a simple choice for every Senator in this Chamber, and until very recently, our Democratic colleagues agreed. "No-brainer" was the exact phrase my colleague, the senior Senator from California, recently used on the Senate floor when discussing S-CHIP renewal.

The newest Member of this body, the junior Senator from Alabama, campaigned on this very issue. As Senator-elect, he insisted that his future colleagues should "stop playing political football with the health care of our children." He called it "absolutely unacceptable for partisan fighting to delay renewing funding for CHIP."

I hope my friends, the Democratic leaders, are listening to their own Members because recently some have intimated that Democrats will filibuster any funding bill whatsoever over the issue of illegal immigration. I find it difficult to believe that my Democratic colleagues would want to shut down the government for American citizens and vote down a 6-year reauthorization of health insurance for American children all over illegal immigration.

Bipartisan negotiations over the DACA issue and other issues in immigration policy are certainly important, and they are ongoing. Our responsibility is to continue those discussions,

not to jeopardize them by ginning up a manufactured crisis over an artificial deadline. We have until March, at least, to complete our ongoing negotiations on immigration. We have until Friday to fund the government.

I would urge my Democratic friends to honor their stated commitments to join in a bipartisan effort to keep the government funded and reauthorize S-CHIP for struggling families across our country.

## TRIBUTE TO REB BROWNE

Mr. MCCONNELL. Mr. President, now, finally, on an entirely different matter, I would like to say a few words about Reb Brownell, a key member of my team who is departing the Senate today.

Reb has served with distinction in my office for nearly 13 years. He began as an aide on foreign affairs, defense, and veterans issues. Since then, he has risen through the ranks, now serving as my personal office deputy chief of staff.

Reb is a tireless worker and a loyal public servant. He has been my point person on more important issues than I can name, including my support for democracy in Burma and research on prominent Kentucky leaders throughout history. I know he is especially proud of our work to help Dr. Noelle Hunter bring her daughter back to America.

I will miss more than Reb's fine work. I will miss him challenging my title as the biggest history buff in the office, and all his colleagues will miss Reb's genuine warmth, his quick wit and good humor, and his readiness to mentor young staffers. Of course, nobody is perfect. Reb is a diehard Michigan State fan. Fortunately, he never let it get in the way of serving the people of the Commonwealth of Kentucky.

I am sorry to see Reb go. I thank him for his service, and I wish him and his wife Sandy every success in their future endeavors.

## MEASURE PLACED ON THE CALENDAR—S. 2311

Mr. MCCONNELL. Mr. President, I understand that there is a bill at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 2311) to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

## FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, first, before I get into the substance of my remarks, let me just answer the majority leader. What leads to problems in this place? What leads to a government shutdown? It is one side deciding everything and then saying to the other side: You must go along.

The proposal has been sent over—here is what it doesn't do. It does not give help needed for our veterans who wait in line for service. It doesn't fight opioid addiction, the scourge of America. It doesn't help our pensioners. I would say to my friends on the other side of the aisle and our defense hawks over in the other body, it doesn't give defense what it needs either. It is a loser in terms of the things this country needs.

We could easily sit down and come to an agreement that would get the support of a majority of both sides, and it is the intransigence, frankly, of so many who say don't talk, don't negotiate, just do it our way or no way that has led to gridlock, that has led to the fact that the first year has been largely unsuccessful and leads to the partisanship America decries.

Democrats have shown, time and time again, we want to work in a bipartisan way, most recently illustrated by the proposal put together by my friend from Illinois, my friend from South Carolina, my friend from Arizona who is on the floor. We eagerly await his remarks, and I will try to be brief.

Leader MCCONNELL, in this instance, as in many others, says: Our way or no way. That is wrong. We will do everything we can to avoid a shutdown. We will do everything we can, but the needs of opioid addiction and helping the veterans and Social Security and rural infrastructure and defense and, of course, the Dreamers remain hanging out with this proposal. If, God forbid, there is a shutdown, it will fall on the majority leader's shoulders and the President's shoulders. We all know what the President has said. He wants a shutdown. So you can twist words and twist facts any way you want, but the truth is, this is a purely partisan effort—a purely partisan effort—and that is what leads to the trouble in this place.

Let me say a few more things.

Despite the leader being totally partisan on this issue, we have seen some rays, some sprouts of bipartisanship. In the House, Republican Congressman WILL HURD and Democratic Congressman AGUILAR have a proposal on immigration, on Dream, that garnered 20 Democrats and 20 Republicans. The Goodlatte proposal, the McCaul proposal, has not a single Democrat. I say

to the Acting President pro tempore, you have made a proposal that, in the words of LINDSEY GRAHAM, will not get a single Democratic vote. It can't pass. At the same time, the Senators from Illinois, New Jersey, Colorado, Arizona, South Carolina, and Colorado are painstakingly putting together a proposal where both sides give quite a bit.

So there are sprouts of bipartisanship—more than sprouts—that could save us from eyeball-to-eyeball and from a shutdown. My hope is that the President will understand it because the bill that was put together here in the Senate was painstakingly pieced together to meet what the President said he needed. It protects the Dreamers; includes President Trump's full budget request for border security—far more than I would want to do—including funding to build barriers along the southern border; deals with family reunification—they call it chain migration—for the Dreamers.

I know that some have said: Let's do it for the whole immigration bill, and let's talk about the 11 million, not just the Dreamers.

If you want to do comprehensive, let's do comprehensive, but first let's get DACA done.

And, of course, they even got rid of the diversity program, which, as the President noted, I was the author of and which has brought millions of people to this country who are working hard and are good citizens now.

So it is almost everything the President requested in his televised Tuesday meeting, which got such good reviews from one end of the country to the other.

This bill is certainly not how Democrats would have written the bill if we were in charge, and it is not how Republicans would have written the bill if they were the only party in America. If they were, they might go for the proposal from the Senator from Arkansas. But it is on the hard right. Seventy percent of America is for Dream and DACA—I think 80 percent now. Most Americans are for a comprehensive immigration bill that does all these things. So if we want to get something done, we ought to compromise in a bipartisan way.

For those on this side and in the other body who say we need defense, the way we are going to get it is through bipartisan compromise. This side does not object to increasing defense alongside of other needs that are just as important, in our judgment. A parent whose son or daughter died of opioid addiction because they couldn't get treatment doesn't think that opioid addiction should play second fiddle to any proposal.

The majority leader dismissed the urgency of solving the fate of Dreamers. He calls it a manufactured crisis. It was manufactured by the Republican Party. President Trump rescinded the DACA Program, not a Democrat. It was the majority leader's decision to kick the can down the road for months

while bipartisan majorities would have likely supported something close to the Dream Act. It was President Trump who turned his back on a bipartisan solution last week and used vulgarities to demean the ancestral homelands of so many Americans. And almost no American doubts that the President used those terms. Nobody doubts it—hardly anybody.

As I said yesterday, a very fair, bipartisan deal remains on the table. Senators DURBIN and GRAHAM will release the text of their legislation today. My Republican colleagues, I hope, will consider it. And I recommend we get on the bill, and then we can solve the problems that some on one side see—needs for defense—seen on both sides; some of the problems this side sees; some of the problems that side sees; and not do the kind of bill that leaves out or kicks the can down the road for many more problems.

I challenge President Trump: Step up to the plate and take yes for an answer. Democrats have met you halfway, Mr. President. You meet us halfway. The time for political posturing is running short.

Bipartisan groups of Senators and Congressmen are fervently working towards a deal. President Trump ought to get on board, or Congress will move forward without him.

#### CHINA TRADE POLICY

Mr. SCHUMER. Mr. President, on one other issue—this is really in my craw—the New York Times reported that one of the fastest growing Chinese car companies is plotting ways to sell cars in America. According to the Times, by pursuing a partnership with Fiat Chrysler, the Chinese state-owned company GAC Automobiles hopes to enter the U.S. market through the backdoor. It would be the first Chinese car maker to sell in the United States. If they were to do so, they would face a 2.5-percent tariff here in the United States. Meanwhile, if a U.S. automaker sold cars in China, it would face a 25-percent tariff—10 times higher—and would have to compete with state-owned businesses and unfair regulations.

So while China prevents U.S. automakers from gaining a foothold in their country with prohibitive tariffs—what the Times called “the highest trade barriers by far of any major car market”—they are plotting ways to eat into our market. It is manifestly unfair and a perfect example of China's rapacious trading policies.

President Trump and his campaign won a lot of votes by promising over and over again that he would crack down on Chinese mercantilism, but once in office, unfortunately, like so many of his other promises and commitments to working Americans, he has not done it. And he has delayed trade enforcement against China time and time again. Even the studies he has commissioned have been delayed.

We need to get serious about these flagrant trade abuses before it is too late. Middle-class jobs and bedrock American industries are at stake.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### RAPID DNA ACT OF 2017

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur in the House amendment to S. 139, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell amendment No. 1870 (to the House amendment to the bill), to change the enactment date.

McConnell amendment No. 1871 (to amendment No. 1870), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

#### TRUTH AND DEMOCRACY

Mr. FLAKE. Mr. President, near the beginning of the document that made us free, our Declaration of Independence, Thomas Jefferson wrote: “We hold these truths to be self-evident.” So from our very beginnings, our freedom has been predicated on truth. The Founders were visionary in this regard, understanding well that good faith and shared facts between the governed and the government would be the very basis of this ongoing idea of America.

As the distinguished former Member of this body, Daniel Patrick Moynihan of New York, famously said, “Everyone is entitled to his own opinion, but not his own facts.” During this past year, I am alarmed to say, Senator Moynihan's proposition has likely been tested more severely than at any time in our history. It is for that reason that I rise today to talk about the truth and the truth's relationship to democracy, for without truth and a principled fidelity to truth and to shared facts, our democracy will not last.

Mr. President, 2017 was a year which saw the truth—objective, empirical,

evidence-based truth—more battered and abused than at any time in the history of our country, at the hands of the most powerful figure in our government. It was a year which saw the White House enshrine “alternative facts” into the American lexicon as justification for what used to be simply called old-fashioned falsehoods. It was a year in which an unrelenting daily assault on the constitutionally protected free press was launched by the same White House, an assault that is as unprecedented as it is unwarranted.

“The enemy of the people” was what the President of the United States called the free press in 2017. It is a testament to the condition of our democracy that our own President uses words infamously spoken by Joseph Stalin to describe his enemies. It bears noting that so fraught with malice was the phrase “enemy of the people” that even Nikita Khrushchev forbade its use, telling the Soviet Communist Party that the phrase had been introduced by Stalin for the purpose of “annihilating such individuals” who disagreed with the supreme leader. This alone should be the source of great shame for us in this body—especially for those of us in the President’s party—for they are shameful, repulsive statements.

And, of course, the President has it precisely backward—despotism is the enemy of the people. The free press is the despot’s enemy, which makes the free press the guardian of democracy. When a figure in power reflexively calls any press that doesn’t suit him “fake news,” it is that person who should be the figure of suspicion, not the press.

I dare say that anyone who has the privilege and awesome responsibility to serve in this Chamber knows that these reflexive slurs of “fake news” are dubious at best. Those of us who travel overseas, especially to war zones and other troubled areas all around the globe, encounter members of U.S.-based media who risk their lives and sometimes lose their lives reporting on the truth. To dismiss their work as fake news is an affront to their commitment and their sacrifice. According to the International Federation of Journalists, 80 journalists were killed in 2017. A new report from the Committee to Protect Journalists documents that the number of journalists imprisoned around the world has reached 262, which is a new record. This total includes 21 reporters who are being held on “false news” charges.

So powerful is the Presidency that the damage done by the sustained attack on the truth will not be confined to this President’s time in office. Here in America, we do not pay obeisance to the powerful. In fact, we question the powerful most ardently. To do so is our birthright and a requirement of our citizenship. And so we know well that, no matter how powerful, no President will ever have dominion over objective reality. No politician will ever tell us what the truth is and what it is not.

And anyone who presumes to try to attack or manipulate the press for his own purposes should be made to realize his mistake and be held to account. That is our job here. That is just as Madison, Hamilton, and Jay would have it.

Of course, a major difference between politicians and the free press is that the free press usually corrects itself when it has made a mistake. Politicians don’t.

No longer can we compound attacks on truth with our silent acquiescence. No longer can we turn a blind eye or a deaf ear to those assaults on our institutions.

An American President who cannot take criticism, who must constantly deflect and distort and distract, who must find someone else to blame, is charting a very dangerous path. And a Congress that fails to act as a check on the President adds to that danger.

Now we are told via Twitter that today the President intends to announce his choice for the “most corrupt and dishonest” media awards. It beggars belief that an American President would engage in such a spectacle, but here we are.

So 2018 must be the year in which the truth takes a stand against power that would weaken it. In this effort, the choice is quite simple, and in this effort, the truth needs as many allies as possible. Together, my colleagues, we are powerful. Together, we have it within us to turn back these attacks, to right these wrongs, repair this damage, restore reverence for our institutions, and prevent further moral vandalism. Together, united in this purpose to do our jobs under the Constitution, without regard to party or party loyalty, let us resolve to be allies of the truth and not partners in its destruction.

It is not my purpose here to inventory all the official untruths of the past year, but a brief survey is in order. Some untruths are trivial, such as the bizarre contention regarding the crowd size at last year’s inaugural, but many untruths are not at all trivial, such as the seminal untruth of the President’s political career—the oft-repeated conspiracy about the birthplace of President Obama. Also not trivial are the equally pernicious fantasies about rigged elections and massive voter fraud, which are as destructive as they are inaccurate; to the effort to undermine confidence in the Federal courts, Federal law enforcement, the intelligence community, and the free press; to perhaps the most vexing untruth of all—the supposed “hoax” at the heart of Special Counsel Robert Mueller’s Russia investigation.

To be very clear, to call the Russian matter a “hoax,” as the President has done so many times, is a falsehood. We know that the attacks orchestrated by the Russian Government during the election were real. They constituted a grave threat to both American sovereignty and to our national security.

It is in the interest of every American to get to the bottom of this matter, wherever the investigation leads.

Ignoring or denying the truth about hostile Russian intentions toward the United States leaves us vulnerable to future attacks. We are told by our intelligence agencies that these attacks are ongoing. Yet it has recently been reported that there has not been a single Cabinet-level meeting regarding Russian interference and how to defend America against these attacks—not one. What might seem like a casual and routine untruth—so casual and routine that it has now become the white noise of Washington—is, in fact, a serious lapse in the defense of our country.

Let us be clear. The impulses underlying the dissemination of such untruths are not benign. They have the effect of eroding trust in our vital institutions and conditioning the public to no longer trust them. The destructive effect of this kind of behavior on our democracy cannot be overstated.

Every word that a President utters projects American values around the world. The values of free expression and reverence for the free press have been our global hallmark, for it is our ability to freely air the truth that keeps our government honest and keeps the people free. Between the mighty and the modest, truth is a great leveler. So respect for freedom of the press has always been one of our most important exports.

But a recent report published in our free press should raise an alarm. I will read from the story: “In February, Syrian President Bashar Assad brushed off an Amnesty International report that some 13,000 people had been killed at one of his military prisons by saying, ‘You can forge anything these days,’ we are living in a fake news era.”

In the Philippines, President Rodrigo Duterte has complained of being “demonized” by “fake news.” Last month, the report continues, with our President “laughing by his side” Duterte called reporters “spies.”

In July, Venezuelan President Nicolas Maduro complained to the Russian propaganda outlet that the world media had “spread lots of false versions, lots of lies” about his country, adding: “This is what we call ‘fake news’ today, isn’t it?”

There are more.

A state official in Myanmar recently said: “There is no such thing as Rohingya. It is fake news.”

He was referring to the persecuted ethnic group.

Leaders in Singapore, a country known for restricting free speech, have promised “fake news” legislation in the next year—and on and on and on.

This feedback loop is disgraceful. Not only has the past year seen an American President borrow despotic language to refer to the free press, but it seems he has now, in turn, inspired dictators and authoritarians with his own language. That is reprehensible.

We are not in a “fake news” era, as Bashar Assad said. Rather, we are in an era in which the authoritarian impulse is reasserting itself to challenge free people and free societies everywhere.

In our own country, from the trivial to the truly dangerous, it is the range and regularity of the untruths we see that should be the cause for profound alarm and spur to action. Add to that the by now predictable habit of calling true things false and false things true, and we have a recipe for disaster.

George Orwell warned: “The further a society drifts from the truth, the more it will hate those who speak it.”

Any of us who have spent time in public life have endured news coverage we felt was jaded or unfair, but in our positions, to employ even idle threats, to use laws or regulations to stifle criticism is corrosive to our democratic institutions. Simply put, it is the press’s obligation to uncover the truth about power. It is the people’s right to criticize their government, and it is our job to take it.

What is the goal of laying siege to the truth? In his spurring speech on the 20th anniversary of the Voice of America, President John F. Kennedy was eloquent in the answer to that question. He said:

We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation afraid of its people.

The question of why the truth is now under such assault may be for historians to determine, but for those who cherish American constitutional democracy, what matters is the effect on America and her people and her standing in an increasingly unstable world, made all the more unstable by these very fabrications. What matters is the daily disassembling of our democratic institutions.

We are a mature democracy. It is past time to stop excusing or ignoring or, worse, endorsing these attacks on the truth. For if we compromise the truth for the sake of our politics, we are lost.

I sincerely thank my colleagues for their indulgence today. I will close by borrowing the words of an early adherent to my faith that I find has special resonance at this moment. His name was John Jacques. As a young missionary in England, he contemplated the question: What is truth? His search was expressed in poetry and ultimately in a hymn that I grew up with titled, “Oh Say, What is Truth?” It ends as follows:

Then say, what is truth? ’Tis the last and the first,

For the limits of time it steps o’er.  
Tho the heavens depart and the earth’s fountains burst,

Truth, the sum of existence, will weather the worst,

Eternal, unchanged, evermore.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to thank my colleague Senator FLAKE for his words and to join with him in standing up for the First Amendment.

When I was at home over the last recess, I read Senator FLAKE’s book, and one of the many things I took away from that book, which I thought was quite an amazing book, was the fact that when he was growing up, his family had a 3-by-5 card on their refrigerator. They looked at it every day, and it said: “Assume the best and look for the good.”

The way he has articulately talked about our Constitution today, he is assuming the best, as we all should do, about the citizens of this country and that they will look at this document and care about this document and understand why the First Amendment is so important to our freedom.

For me, this started at home. My dad was a reporter his entire life. He went from a hardscrabble mining town in Ely, MN, to go to a 2-year community college, and then got a journalism degree at the University of Minnesota. He got his first job at the Bismarck paper in North Dakota. He served during the Korean war and finally ended up at the Star Tribune in Minneapolis.

He went from that mining town and saw the world. He got to interview everyone from Ronald Reagan to the Chicago Bears coach, Mike Ditka, to Ginger Rogers. But through it all, he saw his mission as a mission of searching for the truth, whether it was standing outside of political conventions through tear gas or whether it was calling the election in 1960, when he was with the AP, for John F. Kennedy.

The world has changed since my dad was a journalist, but the role of journalism hasn’t changed in any way. We need the protection of the First Amendment now more than ever. As Senator FLAKE has pointed out, it was Thomas Jefferson and our Founding Fathers who saw the importance of journalism and the importance of the First Amendment. Thomas Jefferson once wrote that our first objective should be to leave open “all avenues to truth,” and the most effective way of doing that is through the freedom of the press.

While the most extreme forms of anti-press behavior have happened abroad, as pointed out by Senator FLAKE—with journalists being murdered, being put in fear of their very lives and their families’ lives—there has been a growing aggression toward journalists in our own country.

During the campaign, then-Candidate Trump mocked a disabled reporter. During his Presidency, he has referred to journalists as dishonest, as disgusting, as scum. During President Trump’s first month in office, his administration coined the phrase “alternative facts,” attempting to undermine the fact-checking efforts of reporters. That same week, another senior White House official said that the press should “keep its mouth shut.”

The President has taken to Twitter countless times to attack news organizations and to discredit specific journalists. He has threatened to challenge the licenses of specific news networks and these networks that ran negative stories. There are even reports that the administration is using anti-trust enforcement authority as leverage to secure positive media coverage.

Just last week, the President suggested weakening the very laws that protect journalists. He threatened to open up our libel laws so that he could sue the media for writing negative or unfavorable stories. This is unacceptable. This is unacceptable because we are a beacon for the freedoms across the world, but it is also unacceptable here at home.

So what can we do about it? We can make sure that this administration’s views, first of all, are not carried through into the actions of the Department of Justice. We must ensure that the Department continues to follow the guidelines that have been in place for a number of years to protect journalists, even if those journalists criticize the government and even if they uncover facts that are uncomfortable for the government.

During his time in office, Attorney General Eric Holder committed not to put reporters in jail for doing their jobs. He also strengthened the Justice Department protections for journalists and their sources. The loophole was closed that allowed the government to get around bans on search warrants for reporting material. They tightened guidelines that are used to issue subpoenas that would require journalists to disclose their confidential sources. They understood the roles these guidelines play in our democracy. Attorney General Holder said they strike an appropriate balance between law enforcement’s need to protect the American people and the news media’s role in ensuring the free flow of information.

Over the last year, during Judiciary hearings, I asked Attorney General Sessions twice if he would commit to protecting journalists from being jailed for doing their jobs. It was a simple question. He wouldn’t. Both times he would not commit, and he said he had to review the rules. Well, it has been nearly a year, and there has been enough time to review the rules. I still have not received an answer to my question. I think we would all agree that after almost a year as leader of the Justice Department, it is past time he made this commitment.

Let me be clear. The President doesn’t have the legal authority to undercut our libel laws. No matter what he says, our courts still uphold the safeguards and must uphold the safeguards we place on the press’s freedom.

In *New York Times v. Sullivan*, the landmark Supreme Court decision is crystal clear in its protections of journalists who cover public officials. The standard for libel is well established. It is not subject to the whims of the politics on any given day.

While Supreme Court Justice Neil Gorsuch and I do not agree on much, I questioned him on this landmark decision, and he agreed that the precedent is clear on First Amendment protections for journalists. The American people deserve the truth, and we rely on journalists to keep digging for it. That is something to celebrate, not to undermine.

Standing up for freedom—even one as fundamental as the freedom of the press—isn't always easy, but it is vitally important. The future of our democracy depends on the ability of journalists to do their jobs. We must uphold this freedom every single day.

With all of this in mind, I thank Senator FLAKE for his very important remarks, and I urge this Chamber to do everything we can to live up to Jefferson's words and to protect this essential avenue to truth.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I thank my colleagues, Senator FLAKE from Arizona and Senator KLOBUCHAR from Minnesota, for bringing this timely issue to the floor.

We are facing an attack on an American institution—an attack on our freedom of the press. Sadly, the President is making an award of some kind to what he considers to be corrupt media, but I am afraid, once again, his actions will cast a shadow over our constitutional commitment to the basic freedoms we enjoy in America.

We all know why freedom of the press was included in the Bill of Rights: because the Founding Fathers—those who crafted those critical words that have led us for more than two centuries—believed there should be an accountability, accountability when it came to the government, its actions, and to public officials. That accountability sometimes is painful, as Senator FLAKE has acknowledged. Many of us, as Members of the Senate, House, and other political roles, really hate to receive certain phone calls and questions from members of the press, but it is part of our responsibility, as public servants, as public officials, to be accountable to the public. That is what freedom of the press is about. I think that is the part that troubles and worries and pains the President the most; that he will be held accountable for the things he has said and the things he has done.

This notion of “fake news,” unfortunately, is a phrase which is being used, as Senator FLAKE noted, by despots and authoritarians around the world to try to silence critics and to silence the press in their countries. We cannot allow this regimen of “fake news” and “alternative facts” and words like those to diminish our commitment to the basic constitutional protection of freedom of the press. It is essential to the future of our democracy.

#### IMMIGRATION

On January 11, last Thursday, I was invited to a meeting at the White

House to discuss the issue of immigration. Sadly, at that meeting, there were things said by the President and those who were with him on the issue which I believe constituted an attack on another basic element of American history: the history of immigration.

We are a nation of immigrants. That diversity that has come to these shores from all across the world is a diversity which makes us strong. We consider our land of origin, whatever it may be, but we love the land we live in. That was what immigration has meant to us and to previous generations for so many years.

Words spoken by the President at that meeting were stunning and, in some respects, disgusting to think that the President would make the comments he did. For the sake of our CONGRESSIONAL RECORD, for the Senate, and for those who are watching, I will not repeat the President's words. They have been reported in the press, but I want to go to the heart of his criticism.

He was raising a basic question as to whether the United States should continue to be open to immigration from all around the world. I believe we should. Americans believe we should. We know that men and women, even of humble circumstances, who come to the United States determined to make a life, to make a future, and to help their families have made a profound difference in our country, in terms of its past and its future, and they have come from every corner of the world.

Senator LINDSEY GRAHAM was at that same meeting on January 11. He spoke up when the President uttered those infamous words which have been reported, and he noted that when it came to his family, they came from one of the countries the President described, and they came with little or nothing to offer, but they wanted to be part of America. They came here and made a business, made a life, made a future, and brought to the Senate an extraordinary Member representing the State of South Carolina. Many of us can tell the same story.

My mother was an immigrant to this country. She was brought here in 1911 at the age of 2 from Lithuania. Lithuania was not exactly a prosperous nation in those times. It was under the thumb of a Russian czar, and it is one of the reasons my family left. One thing my grandmother carried with her on that trip, and I still have today, was a Roman Catholic prayer book, written in the Lithuanian language, which had been banned by the Russian Government. She secreted this away in her luggage and brought it to the United States because she knew, and we know, that there is freedom of religion in this country, and no government was going to stop her from saying her prayers in her own language. That is my story. That is my family's story. That is America's story.

What the President said in the White House last week did not recognize that

fundamental truth; that people just like my mother and my grandmother and just like LINDSEY GRAHAM's parents came to this country not because they were engineers, Ph.D.s, or wealthy people, they came here with the desire to build a life and to build a nation, and they have done it.

When we hear all this talk about merit immigration, let's have merit selection of the people who are coming to these shores—of course, there are certain experts we bring in with certain visas to fill needs in business and research, but, by and large, we bring to this country people who are desperate to be part of our future, and we also bring people who want to be part of their family.

We hear this phrase, “linked migration”; that somehow or another, if we bring one immigrant in, they are going to bring in 100, and some of them may not be desirable. What we find overwhelmingly is just the opposite is true. It is family unification. It is building the strength of a family. Isn't that fundamental to who we are as Americans?

I know, in my family and many others, relatives who came in from other places really strengthened our family unit and gave us a chance to help one another have a chance to succeed.

Now we face a critical moment—a critical moment on the issue of immigration. I listened to the Republican leader come to the floor today, Senator MCCONNELL, and when he speaks of DACA and the Dreamers, he uses the words “illegal immigration.” Technically, I suppose it is illegal. Those we are talking about are undocumented, but we have drawn a distinction over the years as to what happened to these young people and why they should be seen differently.

They were brought to the United States as infants and toddlers and children—at best, teenagers—who had no voice in whether they were coming to this country. Did they break the law by overstaying a visa or crossing the border? Well, technically, of course they did, but should they be held culpable today? Should we deport these young people or give them a chance to be part of our future? This is not some idle philosophical discussion. This is a discussion made real by this administration, the Trump administration.

It was September 5, of last year, when this President announced he was going to repeal DACA—the program started by President Obama to protect these young people living in the United States. Seven hundred eighty thousand of them have enrolled, and President Trump said, as of March 5, 2018, that program will be ended. Then he turned and challenged the U.S. Congress: Pass a law. If you don't like what I have done with this Executive order, pass a law.

So here we are, over 4 months later, and the question has to be asked of the Republican leaders in the House and

the Senate: What have you done to answer the President's challenge? The answer, quite honestly, is precious little, if anything.

The Republican leader comes to the floor today and says: There is no hurry. We can get to this later. It will not expire until March 5. What he ignores is the obvious: 15,000 protected young people lost that protection during this period since September 5—122 a day are losing that protection.

Fortunately, last week, a California court stepped in and said: Stop taking away the protection of DACA from these young people. So we have a temporary stay, being challenged by the Trump administration, which protects these young people for now, but that protection could end in a court decision tomorrow. That is the reality of life for young people.

Yesterday, in the Senate Judiciary Committee, we asked the Secretary of the Department of Homeland Security: Do you believe the President can extend his March 5 deadline for the end of DACA?

She said: No; the President said he doesn't have that authority.

Well, I will trust her statement and her judgment on that, but it further should put to rest this argument made by Senator MCCONNELL that we have all the time in the world to deal with this issue.

Let me tell you, on March 5—the deadline imposed by the President. As of March 5, horrible things will happen to innocent people. One thousand young people a day, protected by DACA, will lose their protection. I had one of them at the hearing yesterday. She is a young woman who has used her extraordinary skills to apply to medical school, and Loyola University Stritch College of Medicine accepted DACA-protected young people for the first time. There are 28 of them in their ranks.

She wants to be a doctor. She has helped people in underserved areas throughout her young career, but we know—everyone knows—that becoming a doctor means serving a residency, working those long hours to learn what it means to face clients or patients in a clinical setting. To become a resident, you need to be employed to take that job.

If this young woman, who has devoted so many years of her life to her dream of being a doctor, loses the protection of DACA, she cannot apply for residency. She is finished. There will be no further progress in her medical education. That will happen, starting on March 5, to 1,000 young people a day. So I would say to Senator MCCONNELL, the Republican leader, there is a sense of urgency. We can't put this off.

The good news is, six U.S. Senators—three of us on the Democratic side and three on the Republican side—have been doing what no other committee has done, no other Senators have done. We put together a bipartisan compromise that moves us forward on this

DACA issue. It is something that took 4 months, and they weren't an easy 4 months. They were difficult. We had to debate some of the hardest issues and come to an agreement. I ended up giving ground on some things which I wish I didn't have to, and I am sure those on the Republican side feel the same way, but that is why we were sent here—weren't we?—Democrats and Republicans, to find a solution to the problems that face us, and this is a very real problem.

So now the Republican leader comes to the floor and says: We don't have time to discuss this. We have to get out of here at the end of the week. Well, I disagree with him. We have enough time to do it.

Take a look at this empty Senate floor and tell me we don't have enough time to take care of the DACA issue. Tell me we don't have an opportunity to come to this floor and bring the Senators here and do what we were elected to do—to debate this issue, to vote on this issue, to solve a problem in America. This empty Chamber is testimony to the fact that the Senate has done precious little for the last year and plans to do just about the same during the course of this year.

I am proud to be a Member of the Senate, but I will tell you, I was prouder in the days when we actually debated measures on the floor, we ended up passing legislation to deal with America's challenges and problems, instead of what we face today—an exchange of speeches in an empty Chamber. So we have work to do.

This morning, I went over to the Department of Defense and met with Secretary Mattis. I respect him. He is our Secretary of Defense and was a four-star general in the Marine Corps. The man has served his country with distinction. He talked about what is going to happen to the budget of the Department of Defense if Congress doesn't act. We told him we want to get this job done, but we also said to Secretary Mattis: There are other elements of this government, there are other issues before us that need to also be brought forward.

You heard Senator SCHUMER from New York, the Democratic Senate leader, come to the floor and turn to Senator MCCONNELL and say: Why is it always a take-it-or-leave-it when it comes to these measures? Why aren't we sitting down, on a bipartisan basis, to come up with a good way to move forward?

It has been 119 days into this fiscal year, and we still don't have a budget for the United States of America. That is not just embarrassing, it is scandalous. To think that we have over \$1 trillion that needs to be debated and spent, and we haven't been able to do it, and we are one-third through this fiscal year. The net result of that, of course, is to waste precious taxpayer dollars and the energy of our elected officials who want to be applying that energy to solving problems rather than the problems Congress creates.

We can do this, and we can do it on a bipartisan basis. Senator LINDSEY GRAHAM and I, along with four of our colleagues, have a measure we are going to present to the U.S. Senate. The purpose of that measure is to make it clear we are ready to debate, we are ready to move forward, and we are ready to solve this problem that faces hundreds of thousands of young people across the United States of America.

Some can call it illegal immigration, as Senator MCCONNELL has, others have called it amnesty. Whatever they wish to call it, 80 percent of Americans believe we can solve this problem.

As you walk around the Capitol and the Capitol buildings, you will see young people who may step forward to introduce themselves. Many of them have never been to Washington before. I met one yesterday who had driven for 35 hours to come here. Why was she standing in the corridors of the Dirksen Building on Capitol Hill? She is a Dreamer. She is protected by DACA. Her whole life is hanging in the balance as to whether this Congress will actually do something to solve the problem.

She and others have come forward to challenge us. We should accept that challenge, and we should meet it this week. We should say to President Trump: We have met the challenge that you put forth just 8 days ago, when on Tuesday of last week you said to us: Send me a bill, and I will sign it. I will take the political heat. And don't take a lot of time to do it.

We met that challenge with this bipartisan measure that we proposed, and now we challenge others on the same issue. Come forward with your proposal. Come forward with your idea. If you don't, at least give us a chance to present this bipartisan measure, which we have worked on long and hard, to solve this critical issue.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SULIVAN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FUNDING THE GOVERNMENT

Mr. HATCH. Mr. President, as we move closer to the expiration date for Federal Government funding at the end of the week, there is no shortage of rancor in the air. Pundits and partisans have, for weeks now, been arguing incessantly about a wide range of issues, all of which, in one way or another, have been tied to the fast-approaching deadline. Don't get me wrong, there are legitimate issues at play this week. These debates, to the extent they are focused on solutions, are meaningful, and I am optimistic we can find solutions.

Today I would like to talk about some of the more positive developments we have seen recently with regard to healthcare aspects of the current debate. As we know, last night, leaders in the House unveiled a legislative package that would keep the government funded as well as address some bipartisan healthcare priorities, including some issues I have personally been working on for some time. I am hoping the House will pass this legislation in short order and that the Senate will quickly follow suit.

Let me talk about some of the specifics in the package. First, the House bill would extend funding for the Children's Health Insurance Program for 6 years, which is the longest extension since the creation of the program. As I am sure the Presiding Officer knows, I am the original author of the CHIP Program. Twenty years ago, Senator Ted Kennedy joined with me to draft the original CHIP legislation and to move it through Congress on a bipartisan basis. I have maintained my commitment to this program for the past two decades, even during times when others sought to change it dramatically from its original purpose.

During this Congress, as the chairman of the Finance Committee, I have been working with colleagues on a long-term reauthorization of CHIP, despite some contrary claims that I and the Republican leadership had somehow neglected or forgotten about the CHIP Program and had no intention of reauthorizing it. It is no secret that I have taken some flak in some corners of the Senate from colleagues looking to get some political mileage out of the issue I have worked so hard to keep bipartisan, but I will remind my colleagues that this past September, the Finance Committee's ranking member, Senator WYDEN, and I introduced a long-term, bipartisan CHIP extension bill that was overwhelmingly reported out of the committee. A number of my colleagues, including some who were on the committee and voted in favor of that bill, seem to have forgotten this legislation had been drafted and reported. We have endured a number of speeches and television appearances from colleagues accusing Republicans of "abandoning children in need." My gosh. This is even though our friends on the other side were entirely aware that the effort to reauthorize the program had been continually moving forward.

The House's bill is identical to the legislation Senator WYDEN and I introduced last fall, except that the funding continues for 1 more year. As I noted, it extends CHIP for 6 years. We have never gotten such a long extension since the creation of the program over 20 years ago.

I hope my colleagues in the Senate, particularly those who have been so outspoken and righteous in their condemnations of Republicans regarding CHIP will support this legislation. It would be odd to see them vote it down

after all the acrimony we have endured over the past few months.

In addition to the historic CHIP reauthorization, the House legislation addresses some other long-term priorities of mine: the taxes imposed by the so-called Affordable Care Act. Under the bill, the job-killing medical device tax will be delayed for another 2 years. This foolhardy tax, which has been criticized and condemned by Members of both parties, will come back into effect at the start of this year.

Eliminating this tax has been an important cause to me since the day ObamaCare was signed into law. Utah is home to some of our Nation's most innovative medical device companies, and the United States has led the world in developing lifesaving and life-improving medical technology, an advantage that was threatened by this poorly crafted and irresponsible tax. I would like to see the medical device tax repealed entirely. I have introduced a number of bills to that effect over the years, but until we get that done, it is important that we keep shielding American consumers, patients, families, and job creators from the impact of this tax. The House bill would prevent the medical device tax from hitting any device innovators and their customers until 2020 at the earliest.

The House package also extends the delayed impact of the so-called Cadillac tax, which is another one of ObamaCare's ill-advised shots aimed at the middle class. Again, Members from both parties have expressed concern and opposed this tax. Previous delays have received broad bipartisan support. The House bill would put off the impact of the Cadillac tax through 2021, and I am hopeful this delay receives bipartisan support in the House and Senate.

Finally, the bill would pull back the health insurance tax, which is another reckless tax provision, for 2019. This tax targets small businesses and middle-class consumers. There is not even a set rate for this tax. There is a revenue target, and the rate moves around from year to year in order to raise a specified amount. The results are increased costs passed along to insurance beneficiaries in the form of higher premiums and increased burdens on small businesses. The House bill will give additional relief from this tax starting in January of next year so insurers can lower premiums before the 2019 filing period.

So, as we can see, in addition to keeping the government open, the legislative package unveiled last night in the House would address some key bipartisan healthcare priorities.

I urge my colleagues on both sides of the aisle to support this approach. Given their recent statements on some of these issues and their past votes, I think many Democrats would have a hard time explaining to their constituents why they oppose these measures.

While there are still a number of healthcare priorities that must be ad-

ressed as quickly as possible, including Medicare extenders, I am very pleased to see the House moving forward with a long-term extension of CHIP and relief to some of the most burdensome ACA taxes. I have been working with my colleagues in both parties and in both Chambers to bring these efforts to fruition. Once again, I hope all of my colleagues will join me in supporting this legislation once we receive it from the House.

Having said that, let me make my second set of remarks.

#### IMMIGRATION

Mr. President, I rise to speak on immigration reform. For nearly 20 years, we have been talking about the Dreamer population. We have been talking about border security for just as long. It is time we did something, and there is a lot of desire among my colleagues to find a path forward to make a deal, but as I said at yesterday's Judiciary Committee hearing, to do that, we need to be realistic.

To my Democratic friends, I say it is time to stop pushing for a clean Dream Act. As a matter of simple political reality, it is not going to happen.

To my Republican friends, I say we are not going to get the Sun, the Moon, and the stars. We should push for the best deal we can get, but we shouldn't let the perfect be the enemy of the good. So let's be realistic, and I say that to both sides, as one who has made a lot of deals in my time.

Here is where I am on the issue.

First, we need a deal that has broad support. I hope we can get that support from both sides. Certainly, with the Republican majority in Congress, any deal that moves forward must have broad Republican support and be supported by the President.

Second, we should be wary of false deadlines. There has been a lot of discussion that we need to have a bill done by this date or that date, even though those dates have nothing to do with relevant program deadlines. We should not create a false cliff and then plunge over it in a rush to get something done right this second. A deal on DACA is a deal worth doing, and it is worth doing right. Moreover, a deal on DACA should not just be about DACA.

Third, we need a deal that is going to help our economy. Our goal here should be to strengthen our country. We do that by supporting communities and families and by ensuring that law enforcement has the tools it needs to keep our country safe, but we also strengthen our country by helping businesses thrive and create good, high-paying jobs for our workers.

Fourth, we need a legislative solution for DACA. We can't keep kicking the can down the road and relying on dubious legal authority to keep individuals in our country. It is not fair to them, and it is not fair to others who are seeking to enter our country legally.

Fifth, we need meaningful improvements to border security and interior

enforcement, not a figleaf, not window dressing—real reform. There has been a lot of talk about a wall. To those who are unwilling to entertain any deal that will have wall funding, I say: Let's not let something that would amount to less than one-tenth of 1 percent of the Federal budget scuttle a once-in-a-generation deal.

Sixth, we need to close loopholes and reduce fraud and abuse. One area that has been particularly susceptible to these problems is the diversity visa lottery. I have long been skeptical of the program. In fact, I introduced legislation in 2011 to sunset the program unless changes were made to cut back on fraud and abuse.

Another area that constitutes an enormous potential loophole is the ability of individuals to come to our country illegally but then use family relationships to absolve themselves of the consequences of their illegal actions. I think it is a problem to allow people who come into our country in open violation of our laws to turn around and avail themselves of our Constitution and laws to backdoor themselves into lawful status. We need a better system than that.

Finally, I think high-skilled immigration needs to be part of the discussion. There has been a lot of talk recently about merit-based immigration. Well, high-skilled immigration is merit-based immigration. It is immigration targeted at the best, the brightest, and the most highly educated.

Next week, I plan to reintroduce my Immigration Innovation Act, or I-Squared Act. This bipartisan legislation, newly updated for this Congress, will better align high-skilled visas with market demand so that employers are able to hire the talent they need. It will help end our stupid practice of educating people here in the United States and then sending them back home to compete against us, and it will stop some of the troubling abuses we have seen with the H-1B visa program. We should welcome the best and the brightest in the world, regardless of their origin. My I-Squared Act will help us to do that.

Our immigration laws are a mess. They are a morass of conflicting and confusing obligations that reflect past Congresses' pet projects and idiosyncrasies, rather than any real overarching principle. I want a system that makes sense. I want a system that is merit-based. I want a system that doesn't penalize people who were brought to our country illegally through no fault of their own but that also discourages future unlawful entries. Surely, we can have a system that does both. Surely, we can find a path forward that is fair and just to the Dreamer population but that reduces future illegal immigration. Surely, we can design a system focused around economic growth rather than arbitrary allocations of visa numbers, and, surely, we can create an immigration pol-

icy that focuses on what individuals will contribute to our country rather than where they came from or who they know.

In short, as I said earlier, we should welcome the best and the brightest in the world, regardless of their country of origin. That should be our mantra as we move forward.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### FUNDING OUR MILITARY

Mr. SULLIVAN. Madam President, I was just in the Presiding Officer's chair and saw my colleague and my friend for whom I have a lot of respect, the Democratic whip, talking about some of the issues we are looking at right now, in particular, military spending and the appropriations we need to fund our military. He mentioned it was a priority. Certainly, it should be a priority. It is probably the most important thing we do here in the Congress. He said they are focused on it. We should all be focused on it.

I just thought I would reply a little because I think the facts of what has been going on here on the floor of the Senate the last couple of years would make one skeptical of that claim that it has been a focus of theirs.

Let me just give a few examples. I know the Presiding Officer is very familiar with all of these. In the last administration, from 2010 to 2016, military spending for the United States was cut by almost 25 percent. That was led by the previous President, despite the fact that there is no one who doubts that national security threats to our Nation have increased: We are going to cut defense spending by 25 percent—when there are threats around the world, and we know what they are—ISIS, Iran, China, and Russia. A lot of people like to talk about Russia, which is definitely a threat, but we are cutting defense spending by 25 percent. That makes no sense, but that is what has been going on.

When I got to the Senate, one of the first things that happened was that the previous administration decided that they were going to cut the Army by an additional 50,000 troops—Active-Duty Army troops. The Presiding Officer remembers the spring of 2015 and the big announcement that we were going to cut 50,000 more troops. That made no sense.

A number of us were very concerned about the direction the country was going, the Congress was going, and the administration was going with regard to our military. The good news is that there has been a bipartisan recognition that the cuts were way too dramatic and the increases and threats to our Nation have risen so significantly that we have to do something about rebuilding our military, rebuilding readiness, and rebuilding serious funding.

In this year's National Defense Authorization Act, led by my good friend from Arizona Senator MCCAIN, we actually authorized increased funding by up to \$700 billion. That was very bipartisan. As a matter of fact, there was a unanimous vote to move that out of the Armed Services Committee, on which I have the honor to serve with the Presiding Officer. Then, it was unanimous on the floor of the Senate. It was very bipartisan to authorize increased defense spending, but we haven't appropriated the dollars. So there is a difference there in terms of authorization and appropriations.

This has been a bipartisan failure of this body for years. How has it been working? We see how it has been working. We have these giant omnibus spending bills, usually, at the end of the year. If we can't do it, we do a CR, or a continuing resolution. It says that we will keep funding the government as is, and then we will do this giant bill with all of the spending for the year.

These CRs are really hurting our military. They hurt all kinds of Federal agencies because there is no predictability, but the one element of our Federal Government that really gets hurt by continuing resolutions—by these omnibus bills—is the men and women in the U.S. military.

As the Presiding Officer knows, general after general and civilian leaders in the military, whether Democrats or Republicans, come to the Congress and to our committee, and they say: These CRs are killing us; they are killing our readiness. We all say: Oh, yes, we know it is important. Then, this body does nothing. So it is not from a lack of effort.

I am going to tell a story that I think the other side doesn't want to remember, but I think it is really important to remember, particularly given what the minority whip said earlier today. When a number of us were elected in 2014, it was a big wave election. Twelve new Republican Senators came to this body, and they took control of the Senate. The one thing we said is this: We need to fix this appropriations process, which is clearly broken. We need to do

it the way it was intended—not with these smash-up derby, giant bills at the end of the year. We need to have a focused, disciplined approach to funding our government.

Everybody knows how it is supposed to work. You have the funding bills, 12 of them, and the Appropriations Committee, a very important and powerful committee, debates those for different sections of the Federal Government. They get voted on out of committee. Then, they come to the floor, and we vote on those 12 appropriations bills.

In 2015, a lot of us—particularly, the new Senators, and the Presiding Officer is one of them—said: We need to fix this. Let's do it the right way. And then we did. A lot of people don't remember, but the Appropriations Committee worked really hard under the Chairman, the great Senator from Mississippi, and they produced 12 appropriations bills in the spring of 2015.

As you know, most of those bills were bipartisan. Most of those bills came out of committee with really strong bipartisan numbers—so far, so good. We are trying to focus on this. We are trying to be disciplined.

The next step is that you bring the appropriations bills, one at a time, down to the floor. You debate them, and then you vote on them. Then, you try to get it over to the President to sign it—not a smash-up derby omnibus that is 5,000 pages, and nobody knows what is in it, but an appropriations bill on a singular subject.

That is what we tried to do. It came out of committee. We started bringing all those bills down to the Senate floor. Guess what happened at the next step? The minority leader was Harry Reid back in 2015. He decided that he was going to filibuster every one of those appropriations bills. Why? We said: Certainly, he is not going to filibuster things like the appropriations bill that came out of committee unanimously that funds our military. We have troops in combat. We have threats all over the world. That came out of committee. Let's at least vote on that one. Let's at least vote on the appropriations bill that came out of committee unanimously to fund our troops.

So what happened? The other side, led by the previous minority leader, Harry Reid, filibustered funding our troops. Let me repeat that. He filibustered funding our troops on a bill that was already out of committee unanimously—when our troops are at war.

So when I hear my colleagues on the other side say that they really care about funding the troops, I get a little skeptical. A number of us were quite upset about that. We went to our leader and said: Let's keep bringing this up. We guarantee you that if the people back home in any district in the country, your constituents—whether you are a Senator who is a Republican or Democrat—knew that they were filibustering funding the troops for no reason, they would get a little upset.

We brought that bill to the floor five different times over the course of a

couple of months, trying to get the singular appropriations bill to fund our military—which passed out of the Appropriations Committee unanimously—a vote on the Senate floor. Guess what. The other side filibustered it five times.

The Presiding Officer and I were on the floor with a bunch of our colleagues making the argument that this is outrageous, and then we asked the other side to come down and tell the American people why they were filibustering the funding for our troops. A lot of people here like to do the process thing, where they don't think people are watching—people in the Gallery, people on C-SPAN—and they never once came down and said: Here is why we filibustered funding for the troops five times in a row. They didn't want their constituents to see it because they knew their constituents—whether Democrats or Republicans—were going to say: You are doing what? You are filibustering the appropriations bill for the men and women who are fighting to defend our Nation? That is what you are doing?

Well, that is what they did. Yet they never explained it.

Again, when I hear the minority whip saying: We really care about funding the troops, I get a little skeptical. I am still waiting for the answer: Why did you do that?

As you know, we have a system right now that is broken. The budget system—the way we fund the government right now—I think, is a bipartisan failure. The normal way we appropriate and authorize is not working. It leads to what we are doing right now: these giant omnibuses, these continuing resolutions. It has happened so long—these year-end, smash-up derbies, where essentially, the leadership in the House and Senate—Democrat and Republican—and the White House go off somewhere, make a deal, and come back with this huge bill. It is not how the system is supposed to work. It is not doing our country justice.

Again, the good news is that there are a number of Senators—particularly some of the newer ones, a bipartisan group, by the way, of Democrats and Republicans—led by my friend and colleague from Georgia, Senator DAVID PERDUE, who are looking at a bipartisan way to fix this problem.

Right now the way we fund the government is that we have these end-of-the-year smash-up derby, massive, thousand-page omnibuses. When we can't get there, we do another CR, which really impacts our military negatively and a bunch of other elements of the Federal Government. We need to do better.

I am going to be working with my colleagues who are focused on this. It is going to be hard. It is not going to be easy. A lot of people like the smash-up derby approach, but it is not worthy of the American people who we are supposed to represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### FUNDING THE GOVERNMENT

Mr. REED. Madam President, President Trump and the Republicans have been in charge of the White House, the House of Representatives, and the Senate for nearly a year now. Under their control, these three institutions have formed a Bermuda Triangle, if you will, for any kind of meaningful legislation that will help average Americans.

They devoted most of last year to a destructive attempt to eliminate health insurance coverage for 30 million Americans before pivoting to a partisan tax bill that benefits the powerful and costs trillions of dollars that could be spent many ways, including to enhance and improve our military equipment and our military personnel; \$1.5 trillion were dedicated to tax cuts for the wealthiest Americans and not to the men and women of the military. This tax legislation will also leave 13 million Americans without health insurance. So contrary to the President's declarations—or those of his campaign—that he has a great plan that will cover all Americans, 13 million Americans likely will lose their coverage.

Now, Congress is 2 days away from a government shutdown because, again, the majority and the President appear uninterested in governing, which means compromise. It means working on policy together with both Republicans and Democrats to deal with the real priorities—like jobs, education, infrastructure, and national security—that are essential to the American people.

The press has been focusing on the Trump-caused immigration crisis as the supposed cause for the Republican dilemmas at the moment. It is true that finding a solution for Dreamers is very important. Indeed, a poll cited by the Washington Post's editorial board this morning said that 82 percent of voters, including almost 70 percent of Republican voters, believe there should be a path to citizenship for Dreamers.

This immigration crisis is not the only unfinished business before Congress. We also have the Republican leadership's failure to make the effort early on to deal with some of the issues that are now facing us directly and affecting millions of Americans. Just think of some of the issues.

Since September, 9 million children who are covered by the CHIP program have essentially been going month to month on their healthcare coverage because the President, and this Congress, hasn't passed a 10-year extension that actually saves taxpayers money.

Community healthcare centers are such a vital part of our healthcare system. More than 25 million Americans use these centers. Once again, their funding is in limbo because the program has not been reauthorized.

Then there is the bipartisan Alexander-Murray bill to provide greater stability to private health insurance

markets. For a President who claimed he had a great plan to insure all Americans much better than the Affordable Care Act, there has been no movement on this important aspect of improving private healthcare insurance for Americans.

What about issues like the flood insurance program? We saw devastating floods in Florida and Texas. We know they are coming again. In fact, last year was the largest year in terms of government expenditures for storm damage that we have seen, including some of the wildfires that raged in the West. We know the floods will come again; yet a program we have for flood insurance is woefully underfunded, but that has not been dealt with.

Then, of course, at the heart of what so many talk about are the issues of the lingering sequestration caps that jeopardize defense and nondefense priorities alike. Indeed, by the way these caps are structured, our national security is jeopardized if we don't raise both defense and nondefense spending because under the category of non-defense are the State Department and other critical agencies. Without funding, they will not be able to protect the country, along with our Defense Department personnel. We have sought, over many months, a balanced solution to provide the resources necessary to cover the gamut of government programs for the benefit of all Americans.

In terms of flood insurance, we have American citizens in Puerto Rico—all American citizens—along with the people of Texas and Florida and California, because of the wildfires and recent floods, who desperately need additional help, and we should respond.

Just as an aside, one other proposal the President made on the campaign was for a really big infrastructure program, with investments up to \$1 trillion. He was going to do that in the first 100 days. Well, a year later, we are still waiting, but in that time, we have seen \$1.5 trillion being dedicated to tax cuts before anything else, and there is very little room left—given our fiscal situation—for the robust kinds of efforts he promised within his first 100 days.

The issue that has captured the imagination of so many is the issue of the Dreamers, as I mentioned before. The President decided he would remove protections for these individuals—as many as 800,000 of them—a few months ago, last September. He created a crisis that need not have been created.

We know the American people want these young people to get a chance to stay here. They are working. They are serving in the military. They are going to school. They are contributing to this community, and of his own volition, the President decided he was going to create a crisis. That crisis has now weighed heavily on us because, if we can't resolve this issue, there is a danger these young men and women could be immediately or very promptly removed from the country. We have

been talking about this for months, but there is no progress.

I was very impressed with Senator GRAHAM's testimony before the Judiciary Committee yesterday. As he noted, we thought last Tuesday we had a solution because, on Tuesday, the President was talking about love and comprehensive reform of our immigration laws and working together. In fact, he was flanked by Senator DURBIN on one side and Representative HOYER on the other side. That was Tuesday. Come Thursday, it seemed to be a different President—a different President in tone, a different President in terms of willingness to cooperate, a different President in terms of bipartisanship. We just hope that, before too long, the President from Tuesday returns because we don't want a shutdown. We want, in fact, a comprehensive solution to our problems.

When it comes to this particular issue of the Dreamers, as I have suggested, both Senator GRAHAM and Senator DURBIN have done a remarkable job working together in that good old-fashioned bipartisan way of finding a good middle ground in which we can provide some sense of security for the Dreamers. We can provide what the President wants: border security. We can think about a first step toward comprehensive immigration reform. That is the way we like to think this Senate, this House, and this government would operate. They have done their part, but they were met on Thursday with just unpredictable rejection and a tone that is not Presidential, but far from that. We have to get that job done, and I hope we can do that.

We have all heard the horror stories of these Dreamers. They have come in to visit us. They have talked about what they are doing. They have talked about how they want to continue to contribute to this country. Again, I think we have to do that for them, but also because they provide a significant economic contribution to this country.

The Center for American Progress has indicated that if DACA recipients lose their right to work lawfully, it could reduce our GDP by over \$433 billion over the next decade. That is going to be a blow. It would be \$60 million annually over this decade for my home State of Rhode Island. Not only is finding a solution the right thing to do, it is the smart thing to do in terms of our economic well-being as a nation.

It is still possible to break through this deadlock. "It is not over until it is over" is the famous quote. We still have time—but not much time—to provide for appropriate relief for the Dreamers, to provide funding for our national security—that is defense and nondefense funding—to raise the caps so we can deal with this and do it, hopefully, not just for a short period of time but for at least 2 years. I think another kick-the-can-down-the-road measure is going to be unacceptable. Another couple more days, even with an inducement here and there—a nod

at some of these policies that have not been actuated yet—I think that would be the wrong approach. I think we have to sit down and get it done.

This agenda has been the President's agenda, not the Democratic minority's agenda. That is what happens when you control the Presidency, the House, and the Senate; you set the agenda. Some argue we should have been talking about infrastructure in January—last January. Some argue we should have been talking about budget caps last January and have a situation where we would be passing budgets on time.

Some of the complaints of my colleagues—and I heard them—is it is not just the fact that the funding isn't sufficient, it is the uncertainty of the funding that affects our readiness in the military, that affects our ability in non-DOD functions to deal effectively and efficiently with problems that face Americans.

As I mentioned, this agenda has been an agenda that was preoccupied and just fixated on taking on ObamaCare, and that failed. Then it shifted not to infrastructure, not to our budget problems, not to other factors but to tax cuts, but to \$1.5 trillion in deficit-funded tax cuts.

Again, if you look at some of these military programs—for example, the whole reinvigoration of our nuclear posture, which is to be the subject of a nuclear posture deal, it has been estimated, over a decade or more, to cost in the vicinity of \$1 trillion.

I think people who are strong defense advocates can ask very sincerely, if we are going to borrow \$1.5 trillion, why don't we use it on military equipment that we know we have to improve? Why are we giving it disproportionately to the richest Americans? I think those are questions that are resolved by the President and the leadership in the Senate and the House.

We are here because I think most Americans want to get things done. As I suggested by my polling numbers from the Washington Post, they want overwhelmingly to see the Dreamers have a path to freedom. They want to see people in Texas, in Florida, Puerto Rico, and the Virgin Islands get the help they need because of a natural disaster. They want healthcare for children—the CHIP program. They want these children to be able to go to community health centers because that is where the vast majority of them go. They want to go ahead and ensure that these things are accomplished.

Now is the chance to govern, and the levers of the government are clearly in the hands of the Republican President, the Republican Senate, and the Republican House, and those levers should be moving for the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Madam President, I ask unanimous consent to be able to complete my remarks, notwithstanding the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Madam President, the Founding Fathers knew and understood well what it was like to live in a dangerous world. When America was founded, we were threatened by foreign adversaries. The military might of the United States was feeble compared to the great powers of that day. Yet the Founders insisted on a Constitution that would protect the civil liberties of the American people. They knew it was possible to defend the homeland and Americans' rights at the same time. It still is.

The War of Independence was fought in part because King George III abused general warrants that let his officers snoop through the papers and property of law-abiding subjects. The abuse of general warrants and the use of things like writs of assistance prompted the American people into action, representing that their fundamental liberties were at stake. That is part of what ushered in the American Revolution.

The Fourth Amendment to the Constitution was put in place specifically to protect these very kinds of liberties and to protect the American people against this very type of snooping. The Fourth Amendment does this by prohibiting unreasonable searches and seizures of Americans' persons and property. The very wording of the Fourth Amendment itself recognizes that this is part of what our security means. It is not just that we are protecting privacy; we are protecting privacy by protecting our security, to make sure that we are secure in our persons, our papers, houses, and effects.

The Fourth Amendment also requires search warrants to be limited in scope and to be based on evidence producing probable cause that a crime has been committed. Those warrants also have to be particularized so that they are not open-ended, so that they can't be applied to any and every circumstance.

Critics of the Fourth Amendment complain about it. They complain about it from time to time as if it were somehow an annoyance that has to be dealt with, ultimately circumvented. Some people refer to it even as something of a security threat in and of itself. This is wrong. Our Nation's history should itself be enough to convince us that the Fourth Amendment is no annoyance. It is an essential safeguard of our liberty in the face of a vast, powerful, and frequently overreaching government. Just think of how much more powerful the government has become in the age of supercomputers and the internet. The kinds of abuses endured by the founding generations will be repeated on an even greater scale if we are not vigilant in checking the power of government.

Last night, this body—the U.S. Senate—voted to close debate on a bill to reauthorize section 702 of the Foreign Intelligence Surveillance Act. This program may sound dry. It may sound inconsequential or even uncontroversial to many people's lives. But supporters and critics who are familiar with it often agree that it is anything but.

FISA's section 702 authorizes the intelligence community to spy on suspected foreign terrorists. Not many people are troubled by that aspiration. The intelligence-gathering that this authorizes is a valuable task, and it is one that helps protect the homeland from bona fide threats from outside the United States. However, FISA 702 also allows the collection of incidental intelligence about American citizens who communicate with foreign suspects. Once the intelligence community has collected this incidental information about Americans, domestic law enforcement can access the information for their own investigations without first obtaining a search warrant, as contemplated under our constitutional structure. In other words, FISA 702 opened a backdoor to government spying on American citizens. This incidental spying is a different matter altogether, and it does implicate the Fourth Amendment—certainly the spirit of the Fourth Amendment if not also the letter thereof.

It is profoundly worrying that the government maintains vast collections of information about American citizens, no matter how that information is collected, incidentally or intentionally. It is likewise worrying that the government cannot or will not say, specify, list exactly how many Americans have been subjected to government snooping under this provision.

Surveillance programs like this one may be implemented with the best of intentions—and I am willing to assume for purposes of this discussion that they are with the best of intentions here—but they themselves provide the raw material that overzealous bureaucrats can use to snoop on anyone the government doesn't like.

When we speak of the United States, when we speak of our government agencies, we are not speaking of an omniscient force, something that can only act for benevolent reasons. Our governments, by necessity, are run by fallible, mortal individuals. No matter how patriotic might be the goals underlying this law or the agencies that implement it, at the end of the day, a human being is in control of each and every action taken under this law.

So maybe, you might say, the subjects of this type of government surveillance are in fact overwhelmingly threats to the public. But can you guarantee that is the case? And if it is the case today, can you guarantee it will always be the case? Can you be so sure that tomorrow or the next day or the next year or in a few years from now or decades from now, that will also

be the case? What if the next time, the subject is a critic of the government, or perhaps the subject is a petty political enemy of someone charged with implementing this statute?

History cannot reassure us that this or any other surveillance power will always be used for good. It is not difficult, for that matter, to fathom hypothetical scenarios in which this could come about. Imagine, for example, a political candidate disliked by someone with authority to do a so-called backdoor search of a section 702 database. Imagine that someone with that authority dislikes that political candidate and decides to go looking for dirt on that political candidate, finds dirt on that political candidate, and then perhaps decides to leak that same information—unlawfully accessed by this individual acting pursuant to this program. This might be against all sorts of department protocols. It might be against the policy of those same agencies charged with administering this statute. But the fact that we can't rule it out, the fact that it is not clear that this couldn't happen, ought to be concerning to every single one of us.

The only check on this frightening power is the FISA Court, which rules in near total obscurity about what the government is allowed to collect. I say the FISA Court is the only check because Congress certainly isn't acting like a credible check on this authority.

Not long ago, the House handed us a bill that would reauthorize FISA section 702 for another 6 years, and I am sorry to report that many of my colleagues in the Senate are forcing this bill through as is, in the same condition as we received it from the House of Representatives, without a single change from the bill the House sent us, without any amendments to protect Americans against warrantless, backdoor searches by the government about U.S. citizens on U.S. soil.

I believe that Americans' Fourth Amendment rights are worth much more due diligence than that. Instead of simply rubberstamping FISA 702 through the bill that the House sent us, this body could have strengthened it by voting against cloture, which would have opened up the bill for amendments.

To be clear, a vote against cloture would not have been a vote against FISA section 702. It would not have ended the program or jeopardized our Nation's ability to spy on suspected foreign terrorists. In fact, as far as I know, not one of the Members of this body who voted against cloture would even support such an outcome. Not one of us, as far as I am aware, would like to see FISA end. What we would like to see is for amendments to at least be considered, to be debated, to be discussed by the people's elected representatives in this body to make sure that we have achieved the proper balance between the power the government desires and the security and privacy of the American people. A vote

against cloture would have allowed this body to improve FISA section 702 through a legitimate amendment process—one that we, unfortunately, are being denied this week.

You see, one of the reasons why it is important, as we consider this, to allow for amendments is that this law comes up for reauthorization only so often. I think the American people legitimately would expect that when it comes up, we would actually have an open, honest debate and discussion; that we would do more than simply rubberstamp what the other Chamber has already passed; that we would ask some difficult but important questions about the rights of the American people relative to this program.

Had we voted down cloture, had we decided not to vote to end debate, this would have given us an opportunity to protect Americans' safety and their constitutional rights, not one or the other. It wouldn't have put us in this awful Hobson's choice scenario, where you have to choose to protect one or the other.

What, you might ask, may some of these possible changes to section 702 of the Foreign Intelligence Surveillance Act have looked like? They would look a lot like the provisions contained in the proposed USA Liberty Act, which Senator LEAHY and I introduced last year. The USA Liberty Act would tighten this standard the government must meet in order to collect and access information on you, pursuant to section 702. This safeguard, and any of the other provisions contained in the USA Liberty Act, would be worthy additions to FISA 702.

These changes would not restore respect for the Fourth Amendment overnight. I believe it will take many more battles with the entrenched interests within government to achieve that, but they would be steps in the right direction.

If history is our guide, any unlimited, unaccountable power we hand to the government ultimately will be used against the people. In FISA section 702, the government has a vast grant of power—a digital-aged general warrant—to hoard untold terabytes of information about American citizens.

I hope we can work together in the coming months to improve this surveillance program and vindicate what the Founders so clearly knew; that our safety does not have to come at the expense of our rights; that our security and our privacy are not at odds with one another but that our privacy and our security are one and the same. Our security is part of our privacy and vice versa. We can protect both. We can walk and chew gum at the same time. We can honor the Constitution and protect the rights of the individual while simultaneously protecting the security of the greatest civilization the world has ever known. We can do better, and we must.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

## RAPID DNA ACT OF 2017—Continued

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I and the Acting President pro tempore have been on the Select Intelligence Committee for a considerable period of time—I much longer than he. However, I think we are both well experienced with the subject, and I would like to make a few comments on section 702. For 6 years, I was chairman of the committee, and the ranking member for 2 years. What I came to see is that, in my view, there was no more significant content collection program than section 702, and I want to give a couple of examples and explain why I think it is so important that 702 be reauthorized.

A little more than a year ago, on December 31 of last year, approximately 500 people gathered in a popular Turkish nightclub on the banks of the Bosphorus to celebrate New Year's Eve. Tragically, shortly after midnight, a gunman entered that club and opened fire, killing 39 innocent civilians and wounding 69 others. At least 16 of those killed were foreign nationals, including an American who was shot in the hip. Many people inside reportedly jumped into the water in an attempt to protect themselves from the gunfire. After committing this act, the gunman changed his clothes and fled the scene.

Almost immediately, Turkish law enforcement and American intelligence officials began cooperation to identify and locate the shooter. Part of that effort included intelligence collection under section 702 of the Foreign Intelligence Surveillance Act. The information derived from the 702 collection ultimately led the police to an apartment in the Esenyurt district neighborhood of Istanbul. There, law enforcement arrested an Uzbek national, named Abdulkadir Masharipov, at a friend's apartment, along with firearms, ammunition, drones, and over \$200,000 in cash.

Thanks to the work of Turkish and American law enforcement and intelligence agencies, just 16 days after this horrific attack, police had the prime suspect in custody. Mr. Masharipov is currently awaiting trial in Turkey.

Section 702 of FISA is the most important foreign content collection program that we have. It allows the government to quickly and efficiently collect phone call and email content from non-U.S. persons who are located outside of the United States. Information collected under section 702 informs nearly every component of our Nation's national security and foreign policy.

Section 702 was used by the CIA to alert a partner nation to the presence of an al-Qaida operative who was turning into a cooperating source. Section 702 was used to intercept al-Qaida communications about a U.S. person seeking instructions on how to make explosives in the United States. It was also used to understand proliferation networks used by adversary nations to evade sanctions, including military communications equipment.

In 2014 the Privacy and Civil Liberties Oversight Board, or what we call PCLOB, reported: "Over a quarter of the NSA's reports concerning international terrorism include information based in whole or in part on section 702 collection, and this percentage has increased every year since the statute was enacted."

The law expressly prohibits the targeting of U.S. persons or the targeting of persons located in the United States. Section 702 is a foreign content collection program.

I also believe it is equally important that reauthorization include reforms to ensure that the program continues to operate consistently with the statute's original intent and our Constitution.

Perhaps the most important among these reforms is the issue of U.S. person queries. U.S. person queries refer to the process by which the government searches the 702 database for the content of U.S. persons' communications.

U.S. persons cannot be targeted under section 702, but they can be collected incidentally if the individual is communicating with a non-U.S. person who is located overseas and is targeted under section 702. If an American's communications are collected incidentally, they are added to the 702 database. The government can later search, or query, that database for any American and gain access to the contents of any phone calls or emails that may have been swept up in the section 702 collection. Each of these queries results in the government's accessing the contents of a U.S. person's communications without ever going before a judge or securing a warrant.

The Fourth Amendment requires the government to obtain a warrant based on probable cause before accessing those communications, and the Supreme Court has been clear: Americans have a right to privacy in the content of their phone calls and emails. The same standard should apply to communications incidentally collected under section 702.

During the Senate Intelligence Committee's markup of section 702, I offered an amendment with my colleague from California, Senator HARRIS, that would require the government to obtain a warrant from the Foreign Intelligence Surveillance Court prior to accessing the content of any U.S. person's communications collected under section 702. Unfortunately, our amendment did not succeed in the committee.

I have also filed our warrant requirement as a floor amendment to the bill that is currently under consideration. This amendment has been cosponsored again by Senator HARRIS as well as by Senators LEAHY and LEE. I really do believe that a warrant requirement will eventually be important as people become more concerned with the need to reform some of these longstanding provisions.

The House-passed bill that is currently before us has a number of positive reforms. First, it does have limited warrant authority that would require the FBI to obtain a warrant from the Foreign Intelligence Surveillance Court prior to accessing the contents of the U.S. person's communications that are associated with a query that was not related to foreign intelligence or national security. The warrant provision in this bill is not as strong as the one I offered in committee, but it was the result of a bipartisan compromise in the House, and I do believe it is a step in the right direction.

The House bill also includes other important reforms. It establishes a required congressional review process before the government is permitted to restart "abouts" collection. It requires the DNI to declassify minimization procedures. It provides greater flexibility to the Privacy and Civil Liberties Oversight Board to meet and hire staff. It also directs the inspector general to assess the FBI's section 702 practices so that we can continue to provide oversight for that program.

In conclusion, section 702, by its numbers and by its covering, is our Nation's most important foreign content collection authority. I would like to see more reforms to this program, and perhaps that is something that those of us on the Select Intelligence Committee can strive for. I believe this is the best we are going to do at this time, and I look forward to supporting its passage.

I thank the Acting President pro tempore.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, last week, the House voted to reauthorize for a period of 6 years section 702 of the Foreign Intelligence Surveillance Act—a vital tool in tracking foreign terrorists abroad. Last night, we had a very important vote in this Chamber, a cloture vote, which will allow us to proceed to a final vote on this legislation perhaps as early as tomorrow morning.

Congress enacted section 702 in 2008 in direct response to the enduring

threats to the country being posed by radical Islamic extremism and the ever-expanding use of the internet and social media by terrorists and foreign operatives. The law authorizes the Attorney General of the United States and the Director of National Intelligence to conduct surveillance on foreigners who are outside of the United States so that the U.S. Government can effectively acquire that intelligence information. As the Director of National Intelligence and many others have stated—former FBI Director James Comey is another one—section 702 is the crown jewel of our foreign intelligence collection and a critical weapon in the defense of our Nation.

The law expires this Friday—that is right, just 2 days from now—so the clock is ticking. I am glad the Senate took the first step last evening, and I trust my colleagues will soon make sure the law is reauthorized so that the U.S. Government can continue to collect information that is vital to the protection of the Nation.

Because the law requires targets of section 702 to be foreign citizens outside the United States, those targets are not covered by the Fourth Amendment of the U.S. Constitution. Clearly, people who are inside the country, American citizens, are all protected by the Fourth Amendment, but not foreigners, under Supreme Court precedent. Because of that, the government isn't required to obtain a warrant before initiating surveillance. That is where the misconceptions and confusion start to arise, and I want to talk a little bit more about that.

Despite the strong bipartisan vote in support of section 702 in the House of Representatives last week and the strong bipartisan support for the provision here in the Senate, some critics want to delay reauthorization and engage in a never-ending lamentation about the demise of the Fourth Amendment. The Fourth Amendment, of course, is a guarantee against unreasonable searches and seizures. Again, that applies to American citizens, not to foreigners abroad. But these critics have mischaracterized the aims of the many Republican and Democratic proponents of this law, and frankly their concerns are misplaced. They ignore the enduring value and core protections in section 702 and the merits of various pro-privacy reforms in the House bill. As I said, it is truly a bipartisan bill.

Critics have expressed three concerns, and I want to address each in turn.

The first is that under 702, "millions of bits of information are collected on Americans," not just foreigners, and that "[w]e don't know the exact amount."

What they are referring to, of course, is what the intelligence community calls "incidental collection"—when intelligence officials monitor the communications of foreign terrorists and the information of any Americans who

are in communication with those terrorists sometimes gets included in the mix. But, of course, if even an American is talking to a foreign terrorist, certainly the intelligence community would want to know that.

There are additional protections for U.S. persons who are incidentally collected based on a target of a foreign national. All of this would be a legitimate worry were it not for the fact that there are safeguards built into the statute that ensure that no more American communications are collected than are necessary to safely monitor foreigners with suspected terrorist ties. For example, section 702 already explicitly prohibits the U.S. Government from intentionally targeting a foreign person "if the [real] purpose . . . is to target a particular, known person . . . in the United States." That is illegal. There are also so-called "minimization" procedures that limit the dissemination and use of information acquired and scrupulous practices at our intelligence agencies—the NSA, the CIA, and the FBI—on how that information is dealt with in order to protect U.S. persons.

Under the bill, several additional features should be acknowledged.

The Foreign Intelligence Surveillance Court must review the FBI's so-called "querying" procedures and certify that they are consistent with the Fourth Amendment.

I know of no government program that has as much oversight and protection for the privacy rights of American citizens as the Foreign Intelligence Surveillance Act. It is actually supervised by all three branches of government—by the executive branch internally; by the judicial branch through the Foreign Intelligence Surveillance Court and other courts, which decided that there is no constitutional violation in any of the procedures laid down in the Foreign Intelligence Surveillance Act; and, of course, the oversight we conduct here in the Senate and in the House on the Senate and House Intelligence Committees.

To make sure all of this is scrupulously adhered to, a record must be kept of each U.S. person query term used. And far from ignoring Americans' privacy concerns related to incidental collection, the bill requires that the intelligence community hire and employ civil liberties officers—people whose explicit job is to look out for our privacy rights.

In sum, those who would misleadingly paint the intelligence community as renegade—as deliberately surveilling millions of Americans with no checks in place—are simply wrong about the facts of this bill and the layered protections that have been put in place.

Let me reiterate. The intelligence community is expressly prohibited from targeting Americans under section 702, directly or incidentally. In fact, the only Americans who might be worried about their communications

being swept up under section 702 are those who are deliberately communicating with foreign terrorists. But all Americans will benefit from a host of additional protections under the law.

The critics' second and related concern is that incidental collection can be used in domestic criminal prosecutions. They are concerned that the U.S. Government could collect information without ever having to obtain a warrant and then use it to investigate and punish Americans for crimes.

Again, this fear is misplaced under this bill. It is mitigated by analysis done by the Privacy and Civil Liberties Oversight Board in 2014, who, after a comprehensive review, found no evidence of intentional abuse. Concerns of the critics are also mitigated by the FBI, which under this bill has to obtain a court order before it can access the contents of 702 communications in support of a purely criminal investigation, as opposed to an intelligence-gathering activity. It is also mitigated by the fact that section 702 intelligence can be used as evidence against Americans only in instances of the most serious crimes. Apart from obtaining a court order, it can only be used if the Attorney General determines that the criminal proceeding involves national security or other heinous crimes, such as murder, kidnapping, or crimes against children.

The critics' preferred approach—and they introduced bills to this effect last year—would prohibit the government from using any 702 collection to investigate these dangerous, violent crimes, and therefore it would potentially protect dangerous criminals engaged in some of the most egregious behavior imaginable—something I think we would not want to do.

That brings us to the skeptics' third problem, which deals with oversight. They fear that the reauthorization of this legislation could spell the end of congressional monitoring of the program. They have chastised this possibility as one that is "callous in its disregard for our cherished Bill of Rights."

They are entirely correct to insist, in light of recent events, that Congress should continue to engage in rigorous oversight of the intelligence community and make sure that our surveillance tools aren't used for political ends. But we already have oversight in spades, and under this bill, we will have even more.

First of all, the House bill reauthorizes the program for only 6 years—not indefinitely. At the end of 2023, we will revisit section 702. In the meantime, existing and extensive oversight of section 702 will continue. As I mentioned, for example, there is judicial review. The Foreign Intelligence Surveillance Court annually reviews section 702, and other courts have examined the use of section 702 in support of criminal cases. All agree that section 702 does not violate the Fourth Amendment to the U.S. Constitution. Even the Ninth Cir-

cuit, which is frequently out of line with other circuits and the Supreme Court, agrees that section 702 is constitutional.

Courts, of course, are not the only oversight mechanism; there are ones within the executive branch, which I alluded to earlier, including routine reviews by the Department of Justice and the Office of the Director of National Intelligence. Of course, congressional committees, such as the Senate Intelligence Committee and the Judiciary Committee, both of which I serve on, also receive regular reporting on the 702 program and hold open and closed hearings on the subject.

Ultimately, the approaches that are preferred by the 702 critics would force the FBI to rebuild the wall between criminal and national security investigators that existed before the attacks in New York on 9/11 and would cause the FBI to stovepipe its section 702 collection, contrary to the recommendations of numerous commissions, including the 9/11 Commission and the Fort Hood Commission. We need to remember that the FBI protects our national security both as an intelligence agency and as a law enforcement agency. In other words, it wears two hats. So we can't wall off the FBI from the content of crucial communications, and we can't wall off the FBI from intelligence agencies, such as the National Security Agency and the Central Intelligence Agency. That was the situation the FBI was in leading up to September 11, 2001.

We can't forget the increasingly dangerous world we are living in and the diverse array of threats that confront us. FBI Director Chris Wray has summarized our threat landscape. It is one that includes not only large mass-casualty events like 9/11 in the United States and similar recent attacks in Europe but also more isolated and diffuse lone-wolf and homegrown violent extremist threats that give law enforcement and national security investigators much less time to detect and disrupt. Imposing additional obstacles to accessing this critical information could either delay us when time is of the essence or, worse, prevent us from being able to connect the dots of information that the U.S. Government has already lawfully collected.

Real-world examples show how devastating this could be. A tip under 702 from the NSA, the National Security Agency, is what helped the FBI stop an attack on the New York City subway system in 2009. There is also Hajji Iman, who at one point was the second in command of ISIS. Section 702 helped us get him and take him off the battlefield. Then there is ISIS recruiter Shawn Parson—702 revealed his terrorist propaganda and identified members of his terrorist network. There are many, many more examples of instances where 702 helped us identify, disrupt, and prevent attacks against the homeland here in the United States and innocent civilians.

Whether it is combatting terrorism, detecting and countering cyber threats, uncovering support to hostile powers, or acquiring intelligence on foreign adversary militaries, 702 is one of our most effective tools, and we simply can't afford to blunt the sharpness of its blade or dull the focus of its lens.

In closing, I want to make one final point clear. I agree that, in the words of one critic, the Fourth Amendment is not a "suggestion." It is a core constitutional protection of our sacred freedom. But reauthorizing section 702 would not suddenly relegate the Fourth Amendment to second-tier status. Every court that has considered the matter has said so, and frankly, it is obscene to ignore the balanced, privacy reforms in the House-passed bill that would provide even greater protections for the Fourth Amendment rights of Americans.

The truth is that section 702 has never been systematically abused. It has helped stop terrorist attacks both at home and abroad. It has helped defend our troops on the battlefield. It has been critical to the Russian collusion probe and other counterintelligence work. As I said, every court—every single court—that has considered the program has found it to be lawful and constitutional; in other words, consistent with the Fourth Amendment in the U.S. Bill of Rights.

So we can all rattle the saber of civil liberties to score political points, but large, misguided changes to 702 are not the way to go. The House-passed bill will provide greater transparency and procedural protections for the Fourth Amendment rights of innocent, law-abiding Americans, while at the same time allow us to remain vigilant in protecting the homeland and our troops abroad and our national security at large by making sure we have the information we need in order to connect the dots with the threats to our national security.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TAX REFORM

Mr. THUNE. Mr. President, tax reform has been the law of the land for less than a month, but it is already fostering a new era of economic optimism, and American workers are seeing the benefits. For years, American businesses, large and small, were weighed down by high tax rates and growth-killing provisions of the Tax Code. Plus, our outdated international tax rules left America's global businesses at a competitive disadvantage in the global economy.

The Tax Cuts and Jobs Act changed all that. We lowered tax rates across

the board for owners of small- and medium-sized businesses, farms, and ranches. We expanded business owners' ability to recover investments they make in their businesses, which will free up cash they can reinvest in their operations and their workers. We lowered our Nation's massive corporate tax rate, which up until January 1 was the highest corporate tax rate in the developed world. We brought the U.S. international tax system into the 21st century by replacing our outdated worldwide system with what is called a territorial tax system so American businesses are not operating at a disadvantage next to their foreign competitors.

Despite the fact that the new law has been in place for less than a month, it is already having a noticeable effect. Businesses are seeing a future defined by growth and success, and they are already passing some of the expected benefits on to their workers. Business after business has announced special bonuses, wage hikes, or benefit increases: AT&T, Bank of America, Comcast, American Airlines, Southwest, Visa, Nationwide Insurance, Jet Blue, and the list goes on and on.

In addition to giving out bonuses to eligible employees, Walmart is raising its starting wage for hourly employees, expanding maternity and parental leave benefits, and creating a new adoption benefit for employees. More than 1 million Walmart employees will benefit from the changes.

Aflac is boosting retirement benefits for its workers by increasing the size of its 401(k) match from 50 to 100 percent on the first 4 percent of employees' contributions. It has also announced a onetime \$500 contribution to the retirement account of every employee.

PNC is giving a \$1,000 bonus to 90 percent of its employees and adding \$1,500 to employees' pension accounts. It is also boosting its minimum pay.

Similarly, Great Western Bank, which is headquartered in my State of South Dakota, is raising its minimum wage to \$15 an hour and providing a \$500 bonus or wage increase for nearly 70 percent of its workforce. The bank is also enhancing its employee healthcare program and doubling its annual contribution to its Making Life Great Grants community reinvestment program.

I could go on, but the good news is not limited to increased wages, bonuses, and benefits, as important as that is, particularly to people who are living paycheck to paycheck, but companies are also acting to keep jobs and to create new ones.

Fiat Chrysler just announced it will be adding 2,500 jobs at a Michigan factory to produce pickups it has been making in Mexico. In October, CVS Health announced it would create 3,000 new jobs if the corporate tax rate was reduced. In my own backyard, Molded Fiber Glass is keeping its doors open longer than expected, which is good news for its employees and the entire community of Aberdeen, SD.

Then there are the utility companies. Utilities from around the country are benefiting from tax reform, and more than one is looking to pass on savings to consumers. Bloomberg reports that "Exelon Corp., the biggest U.S. utility owner by sales, is already offering to reduce bills." In Illinois, ComEd is requesting permission to "pass along approximately \$200 million in tax savings to its customers in 2018." In Washington DC, Pepco has announced plans to pass on tax savings to customers beginning in the first quarter of this year.

All these benefits are going to make a real difference in families' lives this year and, in some cases, well into the future, and the main benefits of tax reform are still to come. The IRS just released the new withholding tables for the tax law, and Americans should start seeing the results in February. Thanks to lower income tax rates, the doubling of the standard deduction, and the doubling of the child tax credit, 90 percent of American workers—90 percent—should see bigger paychecks starting next month, and that is just the beginning.

One major goal of tax reform was to provide immediate, direct relief to hard-working Americans, and that is happening right now, but our other goal was to create the kind of robust, long-term economic growth that will provide long-term security for American families. That is already starting with the wave of bonuses and wage increases, but there is a lot more to come.

As businesses, large and small, experience the benefits of tax reform, American workers will see the benefits of tax reform. American workers will see increased access to the kinds of jobs, wages, and opportunities that will secure the American dream for the long term.

It is a good day in America, and it is going to get even better.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### VETERANS IMPROVED ACCESS AND CARE ACT

Mr. GARDNER. Mr. President, when we were kids, we learned a song that I think Herman's Hermits made very famous around 1965. It was the "I'm Henry VIII, I Am" song, and it went on for a while about Henry VIII, and then it had a little phrase in there that as kids we would repeat. We would say: "Henry VIII, I am. I'm Henry VIII, I am. Second verse, same as the first," and then they would repeat themselves: "Second verse, same as the first," and they would keep going. Well, today, we find ourselves kind of

stuck in that "Second verse, same as the first" when it comes to the Veterans Affairs Department and how they have treated veterans in Colorado.

I rise, once again, to address troubling reports coming out of the Veterans' Administration. It has now been over 3 years since the Phoenix VA catastrophe—we all remember the Phoenix VA catastrophe, where secret wait lists led to the deaths of veterans. At that time, the VA pledged this problem would be fixed, but here we are "Second verse, same as the first." They said it would never happen again. Well, it saddens me today that in Denver, CO, that promise has been broken.

Following the Phoenix disaster, this body passed the Veterans Access, Choice, and Accountability Act, also known as the VA Choice Act, to expand access for veterans to community medical providers. No doubt, it has been successful in different parts of the country, but the Denver VA system continues to post inexcusable wait times, experience a shortage of doctors and nurses, and use secret wait lists. This is simply unacceptable.

The average wait time for a new patient at the Denver VA for a primary care appointment has topped 42 days. This leads the Nation in an unfortunate category, and it is twice the national average. Our veterans deserve better, and to many who have been affected by this travesty, they demand better.

Last week, NBC Nightly News told the story of one Colorado veteran, Alison Bush. Alison served in the Army for 7 years and suffers from a nerve disorder. With such a disorder, she cannot afford delayed appointments. Yet Alison was forced to wait over 3 months for a primary care appointment and another 60 days for an MRI. There is absolutely no excuse for this, particularly given the work we have done and the promises the VA has made. Alison, like so many others, answered the call of duty, only to be let down after retiring the uniform.

I recognize that Colorado was witnessing an increase in demand with more than 11,000 veterans seeking care in the last 2 years, but this is no excuse. The VA must adapt in the face of adversity. We must change this repeat after repeat of the same verse, and we must never forget that this Nation's No. 1 priority is upholding the promises we have made to our veterans.

Because of stories like Alison's, I recently introduced S. 2168, the Veterans Improved Access and Care Act of 2017. My legislation would address three issues: hiring shortages, delayed wait times, and malpractice reporting.

A large driver of delayed wait times for veterans is the shortage of doctors and nurses. The current system for hiring these medical professionals is too long and too burdensome. According to a McKinsey & Company study in 2015, it took 4 to 8 months to hire VA employees. The onboarding process alone can take 3 months. According to the

same study, private medical facilities took less than 2 months to hire an applicant. Just think about that for a moment. Just like in the VA, a private applicant has to go through an interview process, a certification process, credentials process, background check. Yet the VA's onboarding process is longer than the private sector's entire hiring process. It makes absolutely no sense.

My legislation would take steps to fix this problem. It would authorize the VA to establish a pilot program to expedite the hiring of doctors at facilities where there are shortages of available specialists, such as nurses or anesthesiologists. Furthermore, it would require the Secretary of the VA to submit a report to Congress detailing a strategy to reduce the length of the VA's hiring process by half.

My bill would also look to expand access to our veterans. The VA Choice Program, while well-intentioned, still contains arbitrary rules, such as a 30-day waiting period before a veteran can seek access to community providers. Well, 29 days is also unacceptable. My legislation would work to improve the Choice Act by eliminating the 30-day/40-mile eligibility rule, giving veterans full access to medical care regardless of his or her situation.

Finally, my legislation will work to ensure that secret wait lists are forever extinguished. No more "second verse same as the first."

Last November, a Department of Veterans Affairs Office of Inspector General report substantiated the claim that the Eastern Colorado Health Care System used unofficial wait lists for veterans, estimating that at least 3,775 veterans were affected. This is extremely disheartening. There needs to be accountability for this malpractice. My legislation would do just that. It would codify the VA's policy to expand the requirements of reporting malpractice to include all medical providers.

Our veterans have served our country. They have missed holidays with their families to protect our Nation. They have suffered battlefield injuries. They have laid it all on the line for you and for me. The Presiding Officer is a veteran of this great country. The least we can do is ensure that our veterans are treated with the dignity, respect, and honor they have rightfully earned.

It is my hope that the Senate Veterans' Affairs Committee will soon take up my bill so that we can work to ensure accountability and greater access to care for all veterans. But whether it is my legislation or any piece of legislation, one thing is for sure: Something has to be done—not tomorrow, not next week, but now. The current system is not working, and it continues to let our veterans down. Nevertheless, we must remain optimistic and deliver on the promises we gave our men and women in uniform. I am optimistic that we can make this right on their behalf. We can't wait.

Time is a luxury our veterans do not have.

I ask that everyone in this body—and especially the VA—always remember the stories of veterans like Alison Bush. May we never forget those who set aside their own dreams to make sure they save the dreams of their fellow Americans. Our veterans honorably served this great Nation. Now is the time that we step up and honorably serve them.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. TOOMEY). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Colorado for his remarks. He reminds me of something former Majority Leader Tom Daschle told us one morning at the Prayer Breakfast. He said that after World War II, Archibald MacLeish, who was the poet laureate of the United States, said of the veterans who came back from the war—when talking to Members of the Senate, he said: They gave us our country. Now it is up to us to see that we can do something with it.

I think we need to always remember that challenge and opportunity that we have.

#### THE JACKSON MAGNOLIA

Mr. President, some disappointing news arrived last month. The White House announced that the Andrew Jackson magnolia is sick and dying and that part of it had to be removed. On December 27, the east leader, which is a top section of a tree, was removed. The other leader of the Jackson magnolia is still intact, but it is supported by a cabling system. The part that was removed will eventually be replaced with a seedling from the original tree.

When President Trump visited the Hermitage outside Nashville in March of last year and laid a wreath at Andrew Jackson's tomb, he likely walked past trees that were also seedlings from the Jackson magnolia.

The news of the Jackson magnolia has special significance for Tennesseans and for several Tennessee families, including our own.

Shortly after his arrival at the White House in 1829, Jackson, who was our seventh President, planted a magnolia seedling in honor of his wife Rachel, who had died only weeks earlier. During the Presidential campaign, Rachel had been so maligned about the legitimacy of her marriage to Jackson that she had said: "I would rather be a doorkeeper in the House of God than live in that palace at Washington."

The seedling that Jackson planted came from a magnolia at the Hermitage, the couple's home outside Nashville. Over the years, it grew into a magnificent, sprawling specimen, reaching the roof of the White House at the South Portico.

Take a look at the back of the twenty-dollar bill—the one in your billfold or wallet or purse, the one with President Jackson on the front, and you will see the Jackson magnolia, along with

another magnolia planted later to supplement it.

The Washington Post detailed some of the tree's history when the news was announced. Here is what the Post said:

Long after Jackson left office, his magnolia remained. Other trees were planted to supplement it, and the tree became a fixture in White House events. Herbert Hoover reportedly took breakfast and held Cabinet meetings at a table beneath its sprawling branches. Franklin Delano Roosevelt spoke with Winston Churchill in its shade. Richard Nixon strode past it as he left the White House for the last time after his resignation. In 1994, a Maryland man piloting a stolen plane clipped the tree before suffering a deadly crash against the White House wall.

Some said it might have saved President Bill Clinton's life.

No tree on the White House grounds can reveal so many secrets of romance and history, longtime White House butler Alonzo Fields once told the Associated Press.

The Jackson magnolia itself may be dying, but its children and grandchildren and even its great-grandchildren will live on.

In 1988, President Ronald Reagan presented a cutting of the Jackson magnolia to Howard H. Baker, Jr.—a former majority leader of this Senate—when Baker retired as Reagan's chief of staff. Baker planted that cutting at his home in Huntsville, TN.

Six years later, in 1994, Baker was lunching at his home with John Rice Irwin, founder of the Museum of Appalachia in Norris, TN. Irwin noticed the tree, which by then had grown to a height of 18 feet. Baker told Norris the story of the Jackson magnolia and, with the help of the University of Tennessee College of Agriculture, arranged for two cuttings from Baker's magnolia to be rooted and sent to John Rice Irwin.

In 1995, Senator Baker presided at a formal ceremony at the Museum of Appalachia when those two cuttings—the grandchildren of the White House Jackson magnolia—were presented to the Museum of Appalachia. They are planted in front of the museum's Hall of Fame.

In 1996, John Rice Irwin gave a cutting from the Museum of Appalachia magnolia to my wife Honey and me. We planted this great-grandchild of the White House magnolia in front of our home outside Maryville, TN. Today, it is 80 feet tall.

In 1998, a tornado destroyed the original magnolia at the Hermitage, from which the White House Jackson magnolia had been taken. At the request of Hermitage officials, the Museum of Appalachia provided a cutting from the museum magnolia to replace the original tree. It was presented at a ceremony presided over by Lewis Donelson, III, the descendant of John Donelson, Rachel Jackson's father. Senator Baker and John Rice Irwin attended.

According to the Museum of Appalachia, five cuttings have been successfully propagated from the museum magnolia. In 2009, John Rice Irwin gave my wife and me a second cutting from

the museum magnolia, which is planted at our home in Blount County. We, in turn, have given cuttings to Graham and Cindy Hunter in Knoxville and to Denise and Steve Smith of Franklin. Their trees are growing tall in the Tennessee soil from which the Jackson magnolia came 180 years ago.

While we commemorate the long and prominent life of the Jackson magnolia, we can also look forward to long lives from its grandchildren and great-grandchildren now planted at the Museum of Appalachia in Norris, at a city park in Sevier County, and at the Hermitage and other homes in Tennessee.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from the Washington Post dated December 26, describing the history of the Jackson magnolia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 26, 2017]

WHITE HOUSE TO CUT BACK MAGNOLIA TREE  
PLANTED BY ANDREW JACKSON  
(By Sarah Kaplan)

The White House cut down part of the aging historic magnolia tree planted by former president Andrew Jackson on Dec. 27. Here's a bit of the tree's history.

The enormous magnolia tree stood watch by the South Portico of the White House for nearly two centuries. Its dark green, glossy leaves shaded politicians and heads of state. Its ivory flowers bloomed through times of peace and war. It is the oldest tree on the White House grounds, a witness to Easter egg rolls and state ceremonies, a resignation, a plane crash, all the tumult and triumph of 39 presidencies.

But the iconic magnolia is now too old and badly damaged to remain in place, the White House announced Tuesday. At the recommendation of specialists from the National Arboretum, first lady Melania Trump called for a large portion of the tree to be removed this week.

The decision, first reported by CNN, comes after decades of attempts to hold the aged tree up with a steel pole and cables. Arborists said that rigging is now compromised and that the wood of the magnolia's trunk is too delicate for further interventions. Any other tree in that condition would have been cut down years ago.

But this is not any other tree. According to White House lore, the stately evergreen was brought to Washington as a seedling by Andrew Jackson. The magnolia was a favorite tree of his wife, Rachel, who had died just days after he was elected. Jackson blamed the vicious campaign—during which his political opponents questioned the legitimacy of his marriage for his wife's untimely death.

The new planting, which came from the couple's Tennessee farm, the Hermitage, would serve as a living monument to her in the place she despised; before her death, Rachel had reportedly said, "I would rather be a doorkeeper in the house of God than live in that palace at Washington."

Long after Jackson left office, his magnolia remained. Other trees were planted to supplement it, and the tree became a fixture in White House events. Herbert Hoover reportedly took breakfast and held Cabinet meetings at a table beneath its sprawling branches. Franklin Delano Roosevelt spoke with Winston Churchill in its shade.

Richard Nixon strode past it as he left the White House for the last time after his resignation. In 1994, a Maryland man piloting a

stolen plane clipped the tree before suffering a deadly crash against the White House wall. And for decades, the magnolia was featured on the back of the \$20 bill.

"No tree on the White House grounds can reveal so many secrets of romance and history," longtime White House butler Alonzo Fields once told the Associated Press.

In 2006, when the National Park Service initiated a "Witness Tree Protection Program" to study historically and biologically important trees in the Washington area, the Jackson magnolia was at the top of the program's list. By then, the tree was tall enough to reach the White House's second-story windows and had already eclipsed the minimum life expectancy for its species—about 150 years.

According to a report from the NPS program, workers attempted to repair a gash in the tree in the 1940s. But within a few decades, much of the interior portion of the tree had decayed, leaving behind a "rind" of brittle wood. Those surviving portions were held in place by a 30-foot pole and guy-wires. "It is doubtful that without this external support the specimen would long survive," the report said.

Ultimately, those measures could not allay safety concerns about the tree, said White House spokeswoman Stephanie Grisham. Visitors and members of the press are frequently standing right in front of the magnolia when the president departs on Marine One; the high winds from the helicopter could make a limb collapse more likely.

Keith Pitchford, a D.C.-based certified arborist, is familiar with the Jackson magnolia but has not professionally assessed it. He wondered whether the removal may be premature: "If you can lower the tree and make it a bit more squat, it really prolongs the life of these trees we thought were hazardous," he said.

According to Grisham, the first lady requested that wood from the magnolia be preserved and seedlings be made available for a possible replanting in the same area.

Already, progeny of the historic tree are thriving in other spots nationwide. It's said that Lyndon B. Johnson had a seedling from the magnolia planted outside a friend's home in Texas so that when Lady Bird stayed there she could look out the window and imagine the president at work in the White House. Ronald Reagan gifted a cutting to chief of staff Howard Baker Jr. for his retirement in 1988. Then first lady Michelle Obama donated a seedling to the U.S. Department of Agriculture's "people's garden" in 2009.

Jackson's original magnolia at the Hermitage was destroyed along with hundreds of other trees during a devastating tornado in the late 1990s. It was ultimately replaced by new trees donated from the Museum of Appalachia in Norris, Tenn. According to Michael Grantham, gardens manager for the Hermitage, staff always said that those trees were clones of the White House magnolia—but without an identifying label, no one knew for sure. So Grantham sent tissue samples to a plant genetics lab at Cornell University.

"It was not an exact match," he said. "What we got was probably seedlings from underneath the tree."

Someday, Grantham would like to bring a cutting, or an exact clone, of the White House magnolia back to the Hermitage. "I know there are some out there," he said. In those trees, Jackson's two-century-old tribute lives on.

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

#### TAX REFORM

Mr. SCOTT. Mr. President, the last 3 weeks have shown us the beginning of

what happens when Congress listens to the American people and delivers on our promises.

For years, we have been talking about real, lasting tax reform—helping American families bring more of their hard-earned money back home in their paychecks and ensuring that the jobs of the future are created here at home in America.

Last month, we started reaching those goals, and just 3 weeks since we passed tax reform, more than 2 million Americans have received bonuses in their paychecks, and hundreds of thousands of employees have been informed that they will have permanent pay increases or increased benefits.

Right after Christmas, in my home State of South Carolina, Nephron Pharmaceuticals announced that 640 employees will receive a minimum of a 5-percent raise. This is good news. The raise is due to the passage of tax reform. In other words, 2 million Americans all across the country—thousands of Americans in South Carolina—are starting to see the fruit of tax reform.

This is just the beginning. In fact, all across the country, more than 160 companies have already begun the steps of improving the lives of their employees by allowing them to share in the benefits of tax reform. This is counter to what we heard on the floor for days and weeks and I would dare say for months, when folks railed about how the corporations and the companies and the employers of America simply would not share the benefits of lower taxes.

I am thankful that I live in a country and blessed to live in a State where our corporate family has obviously recognized the benefits and the wisdom of sharing the profits with their employees. And that number will rise. As a matter of fact, I think just today the Apple Corporation—home of the iPhones and all those good gadgets—said that instead of making the \$1.5 billion investment that they had announced, they would instead make a \$300 billion investment here at home in America, creating 20,000 new American jobs. This is good news.

Earlier this month—last week, I believe it was—the IRS announced that they had been able to change the withholdings, and they have predicted—this is an astounding number—that up to 90 percent of employees will see more take-home pay in their paychecks as early as February 15.

You see, lower taxes and higher take-home pay translates into maybe a movie night out for a struggling family, maybe new tennis shoes for a youngster, and, without any question, more money to do more good for nonprofits, for churches and other organizations.

Next year, when they file their taxes, our efforts to double the child tax credit and our efforts to double the standard deduction will kick in, and more families will see more money from their returns.

Frankly, my Investing in Opportunity Act that was included in the tax

reform will present new opportunities for perhaps billions of dollars to be reinvested in distressed communities, like the one where I grew up. More than 50 million Americans live in these distressed communities. And because of the good will of this body, because of the good will of the House of Representatives, and because of the good will of the current administration, millions of Americans will have more reasons to be hopeful in 2018.

This is just the beginning of what a strong, middle-class oriented, business-friendly tax code will do.

I plan to spend more time on the floor of the Senate over the next year, talking about the benefits of tax reform and relaying the stories of employees who are starting to fill my mailbox with amazing stories of the things they are doing with their extra dollars.

This is a good start to 2018, and my prayer is that this is just the beginning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OFFSHORE OIL AND GAS DRILLING

Mr. CARDIN. Mr. President, I will take this time to go over with my colleagues the reasons why I unequivocally oppose the Trump administration's decision to allow oil and gas drilling along our Atlantic coast.

There are many reasons why I oppose this policy. One is that the risk to the environment is too great. The Atlantic coast contains some of the most pristine coastlines in America. This region is very much aware of the importance of the Chesapeake Bay and how fragile the Chesapeake Bay is and what an oil spill off the coast of the Atlantic could do to the Chesapeake Bay.

There are also reasons to oppose this because, quite frankly, the amount of suspected reserves are just not great enough to warrant this risk. We also know that already there are significant lands that have been devoted and are available for oil exploration that will meet our needs, but a lot of it has not even been explored yet because of the current economic realities.

Lastly, when we are talking about an energy policy that makes sense for our country, exploring for new oil off the coast of the Atlantic makes no sense whatsoever. In November 2016, the Bureau of Ocean Energy Management wisely did not include any parcels in the Atlantic Outer Continental Shelf in the 2017–2022 plan to lease offshore land the Federal Government controls.

The following month, former President Obama used his authority under section 12(a) of the Outer Continental Shelf Lands Act of 1953 to withdraw unleased Outer Continental Shelf lands

from future lease sales. This makes sense.

In June of 2017, the U.S. Energy Information Administration projected that U.S. oil output will hit 10 million barrels per day in 2018, breaking the alltime 1970 record—all without drilling off the Chesapeake Bay. The previous record was 9.6 million barrels a day in 1970.

So we are at a record pace on bringing oil out of the ground. Yet we take a look at the amount of oil that is projected to be available for exploration off the Atlantic Coast, and it is a relatively small amount. When we recognize the risk, it is just not worth the risk to explore for that amount of oil with the potential of causing devastation to our environment.

Last March, officials from the Spanish oil company Repsol and its privately held U.S. partner Armstrong Energy announced the discovery of 1.2 billion barrels of oil in Alaska's North Slope, which was previously viewed as an aging oil basin. That amount exceeds the projected entire reserves along the Atlantic coast. Production could begin as soon as 2021 and lead to as much as 120,000 barrels of output per day. This is the biggest onshore discovery of conventional oil in the United States in three decades.

In addition to these massive onshore discoveries, as of fiscal year 2016—the last year for which data is available—only 47 percent of the public lands already held by oil and gas industries are under production. In other words, half the lands are still yet to be produced. The industry also has a glut of drilling permits, with more than 7,900 approved but unused permits on the book. In fiscal year 2016, the Bureau of Land Management issued 2,184 drilling permits, of which only 847 were used by the industry. So they have a big backlog. They don't need another area to explore.

As the Wilderness Society reported last month, leasing more lands than industry could possibly develop or seems interested in developing allows companies to stockpile land while they wait for a more favorable market, but stockpiling prevents these lands from being used for popular pastimes like hunting, fishing, hiking, and conservation, while leaving them open to the risk of drilling.

There is an Atlantic Outer Continental Shelf site known as lease sale 220. It has been proposed for oil and gas development previously. Lease sale 220 is located off the shore of Virginia. It is a 2.9 million-acre, triangle-shaped site. NOAA tells us that 72 percent of the time the prevailing winds in this region blow toward or along the coast—72 percent of the time. Coupled with the way the Gulf Stream flows and local currents, if lease sale 220 is developed and there is an oil spill, the likelihood of oil washing up on the shores of New Jersey, Delaware, Maryland, Virginia, and the Outer Banks is quite high. The mouth of the Chesapeake Bay is just 50

miles away from this site. It is hard enough just dealing with the existing pollutants that come into the bay from agriculture, development, and storm runoff. Add oil into the mix, and it would set us back decades in order to restart our oyster crops and help our watermen with blue crabs and to help the rock fish return and thrive.

We have spent a lot of energy in the U.S. Congress as a Federal partner with the Chesapeake Bay Program. I remember my days in the State legislature where Governor Hughes provided the leadership for the development of the Chesapeake Bay Program. We worked with governments from six States and the District of Columbia, the Federal Government, and private sector partners—all so we could preserve and reclaim the Chesapeake Bay, a national treasure. It has been declared so by many Presidents. We spent a lot of effort. We asked our farmers to do more. We asked our developers to do more. We asked our local governments, in the way they treat their wastewater, to do more. Now, if we allow drilling off the Atlantic coast, all that effort could be put at risk.

Drilling off the coast of Maryland would interfere with our naval Atlantic Test Range, preventing our military from developing next-generation fighter aircraft, sensors, and weapons to keep us safe. We have a large military presence along the Atlantic coast.

Adding insult to injury—or, perhaps I should say, heaping injury on top of injury, this move to open up the Atlantic coast to drilling came just 1 week after President Trump repealed safety regulations President Obama implemented to prevent another Deepwater Horizon disaster. Deepwater Horizon was a \$600 million state-of-the-art rig, but it failed, causing the greatest accidental oil spill in history. Eleven crewmen lost their lives. Up to 4.9 million barrels of oil gushed from the broken well for more than 3 months, eventually fouling over 570 miles of gulf shoreline and killing thousands of birds and other marine life.

The long-term effects of the oil spill and the 1.8 million gallons of dispersants used on it remain unknown, but experts say they could devastate the gulf coast for many years or even decades. Dolphins continue to die, fish are showing strange lesions, coral in the gulf have died, and oil still remains in some marsh areas. The oil could remain in the food chain for generations to come. An oil spill entering the Chesapeake Bay would be a similar disaster.

Whatever happened to Interior Secretary Zinke's promise during his confirmation process to be highly mindful of local input when managing public lands and waters? Opponents of offshore drilling flooded the Bureau of Ocean Energy Management with more than a half million comments. The list of opponents included more than 1,200 local, State, and Federal officials, including the Governors of Maryland,

Delaware, Virginia, New Jersey, North Carolina, South Carolina, California, Oregon, and Washington; more than 150 coastal municipalities; and an alliance of more than 41,000 businesses and 50,000 fishing families. President Trump and Interior Secretary Zinke cavalierly ignored the widespread public opposition to expanded offshore drilling and the time and effort the public dedicated to making their dissenting voices heard.

It is reckless, even wanton, to jeopardize so much—the livelihood of those who depend on fishing and tourist industries, our fisheries, and our military readiness—along the Maryland coast and Chesapeake Bay when there is so much more oil and gas in other parts of the country where production is already well established and locally supported.

My concerns aren't limited to the Chesapeake Bay or Maryland's beautiful coastline, even though both are priceless national, not parochial, natural resources. The international scientific consensus regarding human contributions to climate change is clear. Greenhouse gas emissions are a huge problem. Yet the Trump administration is determined to double down on burning fossil fuels when we need to be diminishing, not increasing, our reliance on them. Instead of promoting an energy policy for the 21st century, President Trump is pushing policies from the early 20th century. This isn't just ill-advised, it is deadly. We have little time to lose when it comes to cutting fossil fuel use and greenhouse gas emissions. Politico recently reported:

Last year was the third hottest on record in 125 years of record-keeping, and the U.S. faced record-breaking losses from weather and climate disasters. . . . A NOAA study found that hurricanes, wildfires and other events did \$306 billion worth of damage to the U.S. economy, factoring in destroyed property and lost business activity in affected areas. . . .

The most expensive storm of 2017 was Hurricane Harvey, with an estimated \$125 billion in costs, followed by Hurricane Maria at \$90 billion and Hurricane Irma at \$50 billion. As for wildfires, they burned through more than 9.8 million acres in the West and caused close to \$18 billion in damage, tripling the previous record. The U.S. in total saw 16 separate events with losses exceeding \$1 billion each in 2017, tying a record set in 2011 for most billion-dollar disasters in a single year.

NOAA scientists also found the five warmest years on record for the U.S. all have occurred since 2006.

For all these reasons, I urge President Trump and Interior Secretary Zinke to reverse course on this ill-gotten plan immediately. What we really need is a permanent moratorium on oil and gas drilling off our Atlantic coast. The potential rewards of such drilling—problematic as they are—don't come anywhere close to equaling the risks to the Chesapeake Bay and Maryland's and our Nation's irreplaceable shorelines and coastal communities.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REVIEWING LAST YEAR'S SENATE AGENDA

Mr. MERKLEY. Mr. President, our Constitution starts out with three beautiful words: "We the people." This was the whole mission statement for the development of our form of government—not a government that would deliver benefits by and for the privileged, not a government that would deliver decisions for the rich and the powerful, but for the people of the United States, for the best policy for the population of the United States, so that its citizens everywhere, of every stripe and every corner of the Nation, could have a foundation to thrive. But in 2017, the leadership of this body dedicated itself to a different mission. They dedicated themselves to the mission of government of, by, and for the powerful and the privileged.

I think it is worth reviewing some of those items that we have gone through in the course of this past year. Let's start by looking at the attack on the Consumer Financial Protection Bureau. My colleagues on the Republican side spent a whole year attacking this organization, which was set up to make sure that financial transactions are fair—a fair, square deal for ordinary Americans. We had seen all kinds of predatory practices in consumer loans. We had seen all kinds of predatory practices in auto loans. We certainly had seen them in home mortgages. In fact, the exploding interest rate mortgages and the triple option mortgages that were designed to deceive and bankrupt ordinary Americans turned the dream of homeownership into a nightmare.

Fortunately, in 2010 this body said: No more. We are going to set up an organization that can identify predatory practices as they develop and prevent them from being implemented.

It makes a lot of sense. It is very similar to an organization we have in the government that says: That appliance is dangerous and should never be sold; that toy is dangerous and should never be sold. In this case, it is this: That loan is predatory, deceptive and should never be marketed.

This assault on CFPB went on throughout the year, purely encapsulating government for the powerful, the rich, and the predatory over ordinary people. This has culminated at the end of the year in which President Trump has appointed an Acting Director to the CFPB who hates the Consumer Financial Protection Bureau and wants to dismantle it from the inside. In fact, that Director has called the organization a "sick, sad joke."

Just yesterday, he threw out the payday loan rule. Payday loans have inter-

est rates of 300, 400, 500 percent interest. People have them, initially, and borrow \$1,000. In a year, they owe \$5,000. In another year, they owe \$25,000. In another year, they owe \$125,000. It is a vortex of debt that pulls families into bankruptcy, squeezes them for as long as it can, and then throws them out bankrupt. Many States have said this is outrageous. Many religious traditions have said this is unacceptable. People have seen the carnage it does in a society that has high-interest loans. These are not just high-interest loans of 25, 35, or 45 percent. No, it is 300 percent, 400 percent, or 500 percent.

Yesterday the Director of the organization set up to protect against predatory loans restored full power to allow these predatory loans to occur. That symbolizes the whole year of leadership in this body supporting the powerful and the privileged instead of the people of the United States of America.

Just a little while ago we had a vote in the body—a 50-50 vote that was broken by the Vice President, 51-50—that really does symbolize the powerful over the people. This is a case where there was a rule adopted by the Consumer Financial Protection Bureau that said you have to have fairness in adjudicating consumer issues. Let's say, for example, a telephone company puts charges on your bill that you didn't authorize. Let's say, for example, a cable company proceeds to charge you a higher price than the contract called for and you want to dispute this, but currently if you seek to dispute it, you can't do so in a fair setting. Instead, it is a rigged system set up for the company and against the people, in which the company chooses the judge, in which the company pays the judge, and in which the company promises future business to the judge.

Who here in this Chamber really thinks they can get a fair decision when one party to a dispute chooses a judge, pays the judge, and promises the judge future business? That is the fair arbitration rule that was undone by this body choosing to weigh in during 2017 once again on the side of the powerful against ordinary people, choosing the system rigged against middle-class and ordinary Americans.

Let's turn to yet another decision for the powerful in 2017 over the people—net neutrality. People value the fairness of the internet. You decide you have an idea, and you want to set up a company. Maybe you want to offer a website that provides services to people who need home repairs. You know you are going to be competing against big, powerful actors who have other websites. But you decide: I have a different idea, a different innovation, and a different way of doing this would be better. Right now, until recently, you had the same ability to get the same speed on your pages, or your website, loading as the big player did so you could compete. But the Republican majority, team Trump, says: No, we want

to weigh in for the powerful over ordinary people. We want to give the powerful the ability to have those web pages put up on the computer screen really, really fast and stop the challenges—the little guy, the ordinary person who wants to compete—from being able to have the same speed so that the customer can only decide: Well, I better go to the established big player.

What could more symbolize the powerful over the people than the FCC, with the support of this administration—this Trump team for the powerful—choosing to wipe out net neutrality? I think we will have that issue revisited in 2018 when we have a Congressional Review Act that already 50 Senators in this body—49 Democrats, 1 Republican—have said they are ready to sponsor for the overturn of this act against ordinary people. At least 50 out of 100 are saying that on this issue they want to stand up for ordinary people against this 2017 reign of terror by the powerful and privileged over ordinary people. It is at least 50, but we are going to need 51. Isn't there one more Senator who will stand up for ordinary people?

Then, we have the Congressional Review Act attack on Planned Parenthood. This was a case where the administration and this Republican leadership and this Republican-led body said: We want to enable jurisdictions to divert funds away from a women's health organization, Planned Parenthood. They centered their argument around diminishing the number of abortions. Here is the fact. Family planning decreases abortions. So it has the contrary impact than what was stated by those who made that argument.

Here is another fact: 97 percent of the work of those organizations is about general women's health/reproductive services, not abortion—97 percent. This takes away screenings for all kinds of cancers, for all kinds of women's healthcare. Here we have the privileged and the powerful choosing to weigh in against the health of ordinary women across the United States. The list just goes on and on.

Let's turn to big, powerful mining companies brought to bear against ordinary people. This is simply the case of a rule which said that when you create a big mess with mountaintop removal mining, you have to fix it so that it doesn't contaminate the stream. This was a rule in which the people weighed in and said they wanted clean streams for the fish, where the ordinary people of America weighed in and said they wanted clean streams for fishing, where the ordinary people weighed in and said they wanted clean streams for their water supplies—but no. This body saw fit to weigh in for the rich and powerful, taking away those streams for the fish and the opportunity for fishing, taking away those clean streams for water in favor of the rich and powerful over the interests of the people of the United States.

This "rich and powerful over the people" has extended abroad, even beyond our borders. Equatorial Guinea, a country of Sub-Saharan Africa, has a massive wealth of oil. President Obiang of that country has been in power since 1979. That country has a per capita income of around—I believe it is \$20,000, but most of the nation lives on less than \$2 a day. Why is that? Why do ordinary people live on so little when the country has so much wealth? It is because the international oil companies have made their royalty payments to the leader of the country rather than to the treasury of the country.

Congress came along and said: Do you know what? We need transparency of these international transactions so that ordinary people overseas are not ripped off through these hidden transactions of paying off leaders who live extraordinary lives of luxury while their people suffer.

When I talk about suffering, who here can live on \$2 a day? Who here can do that? It is a life-and-death issue, as 20 percent of the children in Equatorial Guinea—a country with this vast wealth—die before the age of 5 while the President and his Vice President own yachts worth \$250 million. They have a \$200 million mansion in Paris, and they have a \$10 million car collection while people are dying because in 2017 this Chamber chose to support the powerful over the ordinary people of the world.

We see this in another environmental issue—the issue of the Arctic National Wildlife Refuge. We have protected that decade after decade—a last great natural treasure, sacred Tribal land that is home to polar bears and brown bears and lynx and moose and Arctic foxes and seals. In fact, it is the calving ground where a herd of 160,000 porcupine caribou go to give birth. Yet we decided that Tribal land was not as important as the decision for the rich and powerful oil companies to be able to destroy that pristine area.

Let's turn, really, to what was one of the biggest issues of the powerful over the people in 2017, one in which this body facilitated the theft of a Supreme Court seat in order to maintain the Citizens United ruling that allows billionaires to flood our campaigns with cash in order to control this body—one of the most evident sources of corruption in the history of this country.

Finally, we had an opening for the Supreme Court in 2016, an opening that might have redressed this "we the powerful" decision over "we the people." This body came forward, and the leadership said: We are not going to allow a debate on President Obama's nominee. We are not going to allow a vote.

They justified it because it was an election year. Yet, if you look through history, there is nothing in our history that supports that. Fifteen times before, we had openings on the Supreme Court during election years. Fifteen times before, we had debated. Fifteen times before, we had voted. Then again,

it was dressed up as, maybe this is protecting the Constitution. Of course, the Constitution doesn't absolve us of our advice and consent responsibilities in the fourth year of a Presidency or in the eighth year of a Presidency.

The consummation of that theft was completed when this body voted to confirm the nomination of Neil Gorsuch last April—basically, an incredible act of irresponsibility, a failure to honor our advice and consent responsibility, an act which denigrated the legitimacy of the Supreme Court and certainly diminished the reputation of the Senate in honoring our pledge to honor the Constitution, including the constitutional responsibility to provide advice and consent—all in order to keep billionaires' money in campaigns throughout this country. If that is not the powerful over the people in 2017, what is?

That is not the end of it. In 2017, the Republican leadership of this body brought us five different efforts to wipe out healthcare for 20 to 30 million people. Now, I didn't hear the Senators who were supporting this say they wanted to give up healthcare for themselves—oh, no. They wanted to keep that, but they were very comfortable in advocating for a bill to wipe out healthcare for 20 to 30 million Americans. There you have it—the powerful against the people.

Then we have the tax heist—the most recent of the powerful over the people. Add up the provisions for the wealthy. Now, remember, this tax bill was advertised as a middle-class tax cut for the middle class, but what did we have? We had the provision to eliminate the dynasty loophole, which allows the richest Americans to pass on their dynasties to the next generation without their ever paying capital gains, at a cost of \$83 billion. We had a change in the tax brackets for the wealthiest Americans in the hundreds of billions of dollars. We had the eliminating of the alternative minimum tax—\$40 billion or so—for the wealthiest Americans. We had the reducing of corporate taxes, the benefits of which largely go to the big stockholders—the richest Americans. We had the sweetheart rate for passthrough corporations that bolstered the value of that, helping out the richest Americans.

If you add it up, one after another after another of the provisions, all told, probably about \$2 trillion has been given to the richest Americans by the so-called middle-class tax cuts—not \$2 trillion for the middle class, not \$2 trillion for the struggling bottom third of America's families, not \$2 trillion for helping to diminish the size of our classrooms in K-12 and to improve teacher training, not \$2 trillion dedicated to wiping out the high cost of college, not \$2 trillion dedicated to

healthcare and our clinics, not \$2 trillion dedicated to infrastructure, creating jobs, and building a better economy for the future. No. This is \$2 trillion to the richest Americans to increase wealth inequality, to increase income inequality.

How much is \$2 trillion? Can you even get your hands around that number? Divide it by the number of Americans—men, women, and children. That is \$6,000 for every man, woman, and child in America that this body, under this Republican leadership, decided to give to the wealthiest Americans rather than to make available for the foundation for our families—education, healthcare, good jobs, improved infrastructure.

That kind of wraps up 10 items from throughout 2017. This body constantly ignored the mission of our Constitution—our “we the people” mission—and chose instead to be the government of, by, and for the powerful.

How about we have a new year’s resolution for 2018 in which we decide to actually honor the Constitution, the vision of the Constitution, and address the needs of America and the foundation under which families may thrive, that of good jobs, education, and healthcare in 2018. Then we would be doing our job, and then we would be honoring our Constitution.

I thank the Presiding Officer.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Pennsylvania.

#### TAX REFORM

Mr. TOOMEY. Mr. President, I rise this afternoon to speak about what our tax reform and tax relief legislation actually does.

I want to start by welcoming in advance the President of the United States to Pennsylvania. The President is going to Pittsburgh, PA, to talk about the specifics of our tax reform and the effect it is having. I really wish I could be there with him, but we don’t know when we are going to finish up here, as the President knows very well. We might be here well into the evening, and I have multiple obligations to which I have long been committed in addition to juggling that. Unfortunately, I will not be able to get to Pittsburgh with the President, but I hope to have another opportunity to celebrate this victory for Pennsylvanians and Americans because that is what it is.

When we set out to accomplish the biggest tax reform in at least 31 years, we had two big goals.

The first was to make sure we implemented a direct tax cut for working families, for middle-income families, and for the overwhelming majority of families and individuals whom we all represent. That was goal No. 1—to make sure we cut taxes for the people who are working every day, living paycheck to paycheck, working hard, and making America what it is. That was item No. 1.

The second thing we wanted to do was to reform what was a completely

archaic, unbelievably complicated, inefficient, and really terrible business tax code that had become arguably one of the very worst in the world and one that was systematically discouraging investment in the United States.

So those were the two goals—direct tax relief for ordinary Americans and making the business tax code competitive. I am thrilled to be able to say that I believe we achieved both goals.

First of all, it is a simple, straightforward, factual matter that we cut taxes on the vast, overwhelming majority of taxpayers—the families and individuals who pay taxes. That is just a factual matter. That is easy to confirm. Of course, that has the effect of increasing the take-home pay for anybody who is working. You can increase your take-home pay by either getting a raise from your employer or by paying fewer taxes on what you earn or both, and we knew for sure that we were cutting taxes and that there was going to be a take-home pay increase.

I predicted at the time that we would also be creating an environment in which there would be upward pressure on wages, where over time we would start to see people getting bonuses, pay rate increases, and wage increases because we would be creating a dynamic in which employers would be competing more and more for workers so that, in effect, they would be bidding up the compensation for the workers. That is what I predicted, and I was confident that would happen within some number of months or a year or so. So I had to come down to the floor today and confess that I was wrong—very wrong—about the timing of that. You see, we didn’t have to wait 3 or 6 or 12 months for our constituents—the people whom we represent—to see the benefits in the form of higher wages. They started happening immediately—I mean, within days. It has actually been stunning.

It has been about 1 month since we passed this sweeping tax reform, and many hundreds of businesses—those cumulatively employing well over 2 million workers—have announced bonuses, wage increases, expanded benefits, and increased contributions to pension accounts. They have cited the tax reform as the mechanism that has enabled them to do this for their workers.

What is so exciting about this is that this is happening even before the wave of new investments has even been able to begin. This is happening because companies know that with lower tax rates, they are going to have more free cash flow. They are going to use some of that to invest in growing their business, but they have already announced that they are using some of that to enhance the compensation of their employees.

Let me give you some examples. These are just Pennsylvania-related companies, a handful of the ones I am aware of. It is typical of companies across the country. Comcast, a big em-

ployer based in Philadelphia, announced specifically that as a result of the tax reform, they would make a \$1,000 bonus payment to 100,000 frontline nonexecutive employees, and they committed to \$50 billion of capital expenditure over the next 5 years. How many tens of thousands of jobs is all of that capital expenditure going to support? It is a big number.

That is not all. Out in Pittsburgh, PNC Financial Services, a substantial large bank in Pittsburgh, announced right after the tax reform that they would pay \$1,000 to 47,500 of their employees, and, in addition, they would contribute \$1,500 to each of their employees for participating in their pension savings plans. They are also raising their base wage. Their minimum wage for employees at PNC goes up to \$15 an hour. No Federal Government edict is forcing them to do it. This is what they want to do. It is so that they can attract more and competitive employees. They have also increased their contribution to their charitable foundation—\$200 million to a charitable foundation that supports early childhood education. That is PNC.

Navient has 900 or so employees in Wilkes-Barre, PA, and they announced that they are giving a \$1,000 bonus to their non-officer employees—98 percent of their employees. That is not the top brass, but everybody else is going to get a \$1,000 bonus.

Customers Bank in Wyomissing, Berks County, PA, announced that as a result of the tax reform and the tax relief they are getting, they are going to be able to offer people who have a checking account with them a higher rate on their deposits. In another benefit for consumers, they are going to increase their charitable giving.

NexTier Bank in Butler County, in Western Pennsylvania, is giving a \$1,000 bonus to all their employees.

As to Walmart, I think we all saw that. There are Walmart employees in every State of the Union, and there certainly are in Pennsylvania. There are over 160 Walmart locations in Pennsylvania. They are giving a bonus of up to \$1,000, raising their starting wage, expanding their paid leave policy, and their adoption assistance program for their employees, all in response to the tax relief and reform that they know is going to be good for their business, and they already decided to make it good for their employees as well.

That is just a small handful of the companies that I know of in Pennsylvania that have made public announcements about this. How many more are there across the country? It is a huge number, and it is growing rapidly, and it is fantastic.

I think it is fantastic. I think it is fantastic when the people I represent are able to earn more to support their family, get a bigger bonus and get a bonus they might not otherwise have gotten at all.

I know this view is not universally shared. The House Minority Leader

PELOSI doesn't think very much of this. In fact, she said: "In terms of the bonus that corporate America received versus the crumbs that they are giving to workers to kind of put a schmooze on—it's so pathetic . . . I think it's insignificant."

I have to state that I don't think it is pathetic, and I don't think it is insignificant. I think to a family that is struggling, a family that is working hard, a family that may be living paycheck-to-paycheck, as most families do, these are not crumbs. This makes a difference. For the people who wonder, because they heard so much from our colleagues on the other side that this is not going to help middle-class families, any mystery that people may think surrounds this will be resolved very soon because the IRS has already released new withholding guidelines. The Treasury has done their evaluation, and they have concluded as the Joint Tax Committee concluded, that over 90 percent of all individuals and families filing and paying taxes will see a tax cut. So they are adjusting the withholding table so that the take-home pay goes up and so that the money that workers pay to Uncle Sam goes down.

Honestly, I have to state that I am convinced that the best in all of this is yet to come. The best is yet to come because it is too early for us to have yet benefitted from the wave of new capital investment. We have made it more affordable for businesses to invest in their workers, to invest in their businesses, and to invest here in America rather than overseas. We have made that more affordable so more is going to happen, and when it happens, people are going to get the benefits from the jobs they have to provide those capital goods. Other people are going to benefit from jobs that are necessary to operate that capital equipment. Wages will rise because workers will become more productive. This is what is in store for us, and this is what is so exciting.

It is not just my theorizing on this. Last week the CEO of PNC, Bill Demchak, was quoted in the Wall Street Journal. He said:

For all the investment decisions that companies make, the U.S. just got that much more attractive. . . . It's going to win more than it won before in terms of where people choose to do business activity and invest.

I couldn't agree more. This is clearly going to be the result. We are allowing American businesses to compete and to win in a competitive global economy. This is going to increase the supply of capital. It is going to increase the productive capacity of the American economy. It is going to provide better tools for workers when they have that capital that they can work with that makes them more productive. That enables them to earn higher wages, and with all the need for more workers that this is going to generate, it is going to continue to put upward pressure on wages, because that is what companies are going to have to do in order to at-

tract and retain the employees they need.

So I would say that I think we are well on our way to seeing the fruits of this reform. I think it is going to be extremely constructive. I am thrilled that our legislation has already begun to have tangible benefits for the people we represent, and I am convinced that the best is yet to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, it is of the highest importance that we reauthorize title VII of the Foreign Intelligence Surveillance Act, especially section 702. It is one of the best tools we have for detecting and preventing terrorist attacks against our country, and it has a long track record of success.

It is one reason that Najibullah Zazi today is not a household name, but yet just another bin Laden wannabe sitting behind bars. He was planning to blow up the New York subway system, but he never got the chance because our intelligence community and law enforcement professionals stopped him in his tracks by using information collected under section 702. That is how vital this program is, and that is why I will be voting yes on this legislation.

That being said, the bill we are voting on today is not my ideal legislation. If I had my way, we would be voting on a permanent reauthorization with no changes. That was the White House's position when I worked together with the administration and introduced a section 702 extension bill earlier this past summer, and the administration has said all along that they wanted a clean and permanent reauthorization.

The people who rely on this program and know better than anyone just how valuable it is believed it was good as is. The way I see it, if the threats against our country will not sunset in 6 years, why would we sunset this vital program? But I understand we usually have to compromise around here. I am glad to see a provision I offered to increase the maximum penalty for the misuse of classified information included in this bill. So while I worry this bill might make it harder for our intelligence community and law enforcement professionals to protect our country, I am going to vote yes.

As a result, you can imagine my surprise as I listened to the program's critics. There is a lot of misinformation out there. I want to take this opportunity to set a few things straight.

First off, there is nothing unconstitutional about this program. Section 702 targets foreigners on foreign soil—not Americans—and it is specifically designed to protect Americans against unreasonable searches. You don't have to take my word for it, though. Every district court that has looked at this question has found section 702 to be constitutional.

That includes, by the way, the so-called "about" collection. If you are

trying to collect information about a foreign target, and an American citizen mentions that target in an email, I would suggest that we would want our intelligence community to know about that. Does that mean that they incidentally picked up information about American citizens? Yes. But let's be frank here. The only way to prevent this kind of incidental collection is to prohibit any collection at all. If our intelligence community couldn't track an email address or phone number simply because they theoretically might pick up information about an American citizen, they simply could not do their jobs.

It is difficult, if not impossible, to tell if many email addresses belong to a foreigner just by looking at it. For example, is 5675309@gmail.com an American email address or not? Who knows? Did the National Security Agency discontinue its "about" collection at one point recently? Yes, but to me that is evidence that this program works. Contrary to what its critics believe, the NSA voluntarily ceased collecting information in the name of protecting privacy. The NSA respected the minimization standard imposed by the Foreign Intelligence Surveillance Court. The safeguards worked just like they were supposed to. This bill says that the NSA can continue so-called "about" collection only once it gets approval from the FISA Court and from Congress.

Yes, section 702 has a whole host of safeguards built in to protect Americans' privacy, and this bill adds more still. If the FBI wants to review information collected under 702 on a U.S. person for a criminal investigation that is not related to national security or foreign intelligence, it has to get a court order based on probable cause, even though the Constitution does not require it. Or if the FBI wants to query 702 information, it can do so only under FISA Court-approved guidelines. Finally, just to make sure the FBI is following the law, this bill requires the DOJ inspector general to check up on the FBI's compliance and report back to Congress.

Finally, the critics say the Attorney General can just sneak past all these safeguards by designating an investigation as a domestic crime related to national security or a transnational crime. That ignores the layers upon layers of oversight we have in place to prevent just that kind of abuse. Not only the DOJ inspector general but the FISA court and Congress will continue watching the FBI's use of this program, keeping guard against such misuse.

So I find the critics' arguments to be wholly without foundation. Section 702 is constitutional and strikes a pretty good balance between security and privacy. There is no good reason to let this program expire and no good reason to hold this reauthorization up any longer. Let's remember, after all, that last year there were two terrorist attacks against New York City within 6

weeks, not to mention a Christmas Eve plot against Pier 39 in San Francisco that was disrupted. Also, Admiral Rogers, the Director of the National Security Agency, has testified that the intelligence community would not have been able to put together its intelligence assessment about Russia's interference in our 2016 Presidential campaign without this vital program.

We face a lot of threats. Terrorism, spying, and nuclear proliferation are just a few. They are not going away any time soon, and neither is the Russian threat of meddling in our politics, either. It is past time we gave this tool back to our intelligence community so they can continue the hard work of keeping our country safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

#### TAX REFORM

Mr. WICKER. Mr. President, when we passed tax reform late last year, we knew it would be a win for American workers and for the American economy. This win for our workers and families was long overdue after so many years of sluggish wage growth.

Americans will see tax cuts very soon. They will be reflected in their paychecks next month. But tax reform is already making a positive difference. The response from our job creators—both small and large job creators—has been overwhelming. Some 164 companies so far, spanning industry sectors and geographical boundaries, have announced employee bonuses, higher minimum wages, better benefits, new jobs, charitable deductions, charitable donations, and new investments. According to Americans for Tax Reform, well more than 2 million Americans will benefit from these bonuses. The National Federation of Independent Business says that the tax cuts for our small businesses—the bread and butter of our economy—will amount to hundreds of millions of dollars.

I want to take a moment today to highlight how some of these job creators are giving back to the hard-working citizens of my State. They include Mississippi's single largest private employer, Walmart, which has announced that it is raising its starting wage rate for hourly employees to \$11. Walmart is also expanding its maternity and parental leave benefits, as well as giving employee bonuses, as a result of the new tax bill. BancorpSouth, headquartered in my hometown of Tupelo, MS, has announced that it will give back to employees through pay raises or bonuses. In fact, BancorpSouth says it plans to invest more than \$10 million into the employees who work in its 234 locations across Mississippi and seven other Southern States. Another bank based in Tupelo, MS, Renasant, has announced that it will invest its tax savings in its 2,000 employees.

Nationally, AT&T is giving \$1,000 bonuses to 200,000 employees. So are Bank of America, American Airlines, Boeing,

and Comcast. And I could go on and on and on with bonuses benefiting hundreds of thousands of employees.

Other Americans will get new jobs. Last month, television station WLOX on the gulf coast of Mississippi reported that the Half Shell Oyster House plans to use its tax savings to open new restaurants and hire more employees. Isn't this what we want? Isn't this what we predicted? And isn't it wonderful to see this come to fruition? Kevin Fish, a co-owner, told the news station: "We've passed up on opportunities in the past that we wouldn't have passed up on had we had this tax structure."

Millions of Americans might also see lower energy bills from investor-owned utilities. Utility companies across the country, including in Mississippi, are discussing how the law can help them lower energy costs for our consumers.

The message is clear across my State, across every State, and across this country: The more money our job creators can save and the more money they don't have to send to Washington in the first place, the more they can invest in the future of their businesses and the well-being of their employees. And this is proving true every day and will continue. These are the opportunities we do not want our job creators to pass up. With every bonus, every pay raise, every expanded benefit, every lower energy bill, American families will have more money in their budgets to spend on the things they need most.

Thank you to the leadership of the President and the leadership of the House and Senate for giving this outstanding benefit to the families, the workers, and the job creators of the United States of America.

Thank you, Mr. President.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HEINRICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINRICH. Mr. President, the Senate will be voting soon on a bill to reauthorize the FISA Amendments Act. Most Americans likely do not recognize the name of the bill, but they probably know what this bill addresses—our government's surveillance of communications.

As a member of the Senate Intelligence Committee, I have learned a great deal about our post-9/11 surveillance laws and how they have been implemented, and I have determined that there are reforms that need to be made to the FISA Amendments Act—specifically section 702—before we renew this law.

The single biggest flaw in section 702 is how it has been interpreted. The language of the law—the collection of foreign intelligence of U.S. persons rea-

sonably believed to be located outside the United States—anticipates that incidental or accidental collection of Americans' emails or even phone calls could occur, but under the FISA Amendments Act as written, there is nothing to prohibit the intelligence community from searching through a pile of communications collected under this statute to deliberately search for the phone calls or the emails of specific Americans. This is not what Congress intended when the law was written, and now we are being asked to vote on this law at the last minute with not a single amendment allowed.

Many of us have called this the backdoor search loophole since it allows the government to search for Americans' communications without a warrant—let me repeat that—without a warrant. The USA Rights Act, of which I am a cosponsor, includes a fix to this loophole. It also includes other key reforms to the statute that I support. But that commonsense bill is not the one on the floor today. The bill before us today would actually take us backward. It doesn't require a warrant to search for Americans' communications. It makes it quite easy to resume the "about" collections on Americans—a practice that the government has literally abandoned. It grants new authorities to allow section 702 data to be used in domestic criminal prosecutions of American citizens.

I strongly believe that the Federal Government needs a way to monitor foreign communications to ensure that we remain a step ahead of the terrorists and those who would threaten our national security. The FISA Amendments Act has been beneficial to the protection of our national security. I don't question the value of the foreign intelligence that this law provides. I have seen it with my own eyes. But I also strongly believe that we need to balance the civil liberties embodied in our Constitution with our national security imperatives. It is the responsibility of Congress to find that balance. The bill that is before us today could come closer to that standard if we improve it through the adoption of amendments that I and my colleagues would offer if we had the opportunity. But this bill is being fast-tracked, and we are left with only the choice of an up-or-down vote.

The American people deserve better than the legislation before us today. The American people deserve better than warrantless wiretapping.

I urge my colleagues to consider the gravity of the issues at hand and to oppose reauthorization until we can have a real opportunity for debate and reform.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I believe the American people should be deeply concerned about the vote the Senate took yesterday to invoke cloture; in effect, ending real debate and preventing the Senate from considering any amendments to the Foreign Intelligence Surveillance Act reauthorization.

This isn't what is called regular order. This isn't how the Senate ought to operate. In fact, it is not even how the Senate has handled surveillance bills in the past. Even in the weeks after the horrendous attacks of 9/11, the Senate considered amendments to the PATRIOT Act. In 2008, when the Senate first considered section 702, the Foreign Intelligence Surveillance Act, there were, in fact, amendments.

Now debate has been cut off, and no Senator—neither a Democrat nor a Republican—is going to be allowed to offer an amendment. What the country is going to be left with is a deeply flawed bill that, in a number of ways, is actually worse than current law.

I want to talk first about whose rights are at stake. We are talking primarily, at this part of my address, about Americans who talk to foreigners overseas—law-abiding Americans whose communications can get swept up under this law. They could be, for example, American businesspeople—perhaps somebody working for a tech company in Colorado or Oregon or perhaps somebody working for a steel company in the Midwest. These are American businesspeople—law-abiding people—talking to a foreign contact. They could be swept up under this law or we could be talking about first-, second-, or third-generation Americans talking to family and friends still overseas. Maybe they are catching up. Maybe they are talking about kids and grandkids. Maybe they are just talking about their hopes and aspirations, but they are still law-abiding Americans who could get swept up in this bill. We could be talking about American journalists covering foreign stories. We could be talking about U.S. servicemembers talking to foreign friends they made while deployed. Try to get your arms around that one.

I think it is particularly unfortunate because one of the things I am proudest of is I was able to ensure that Americans overseas—servicemembers—would have their privacy rights protected. We have a law passed to do that.

I remember George W. Bush had reservations about that proposal I made to protect the privacy rights of our law-abiding servicemembers overseas. He originally said he might veto the bill. In the end, it was in his press release saying how great it was, and I think it was because nobody had really talked about the rights of these wonderful men and women who wear the uniform in the United States.

We did it right back when George W. Bush was President. We protected the

privacy rights of our servicemembers overseas. Now we are talking about walking back the rights of those U.S. servicemembers if they are talking to foreign friends they made while deployed, and we could be talking about American teachers and researchers seeking information from foreigners.

Now this body isn't going to have a chance to even consider reforms that might protect the constitutional rights of these Americans—the businessperson, the servicemember, the first-, second-, or third-generation American immigrant—because what has happened is the Senate is being forced to vote on a reauthorization bill without any public discussion about any kind of alternatives. The one committee consideration—what is called a markup—occurred entirely in secret. That is public law being debated in secret.

Yesterday, the Senate discussed whether to cut off debate on a bill that authorizes vast, unchecked surveillance powers in less time than it takes to shop for the week's groceries. So now, with no amendments possible, there is not going to be a single opportunity for the public to see its representatives explain why they are supporting or why they are rejecting these key reforms.

You can only conclude from this that opponents of reforms were just scared. They were frightened. They just didn't want to have them debated in the open. They must be worried that the more Americans understand about the program—and the more they hear about commonsense, bipartisan proposals to fix it—the more the public is going to say we can do better. We can do better than the status quo because the public, once they have the benefit of a little transparency and a little open debate, what I have seen—and I just finished my 865th open-to-all town meeting at home in Oregon. Once you talk to folks at home about these issues, they understand that security and liberty aren't mutually exclusive; that sensible policies get you both and not-so-sensible policies and failure to look at the issues really get less of both.

My view is the Senate let down the American people yesterday. In my view, we have a solemn obligation to deliberate, to consider amendments, and to vote up or down. I think that is really what the Senate is all about.

One of the worst arguments for jamming this bill through without amendments was that somehow this law was going away. It just wouldn't be around. It was expiring.

First, Members who wanted to debate reforms were prepared to go to this floor many months ago. Nothing stood in the way of a floor debate last year. Even today, there is no reason to rush all this through. Absolutely nothing prevents the Congress from extending 702 authorities for a week or two to allow us to carry out our constitutional responsibilities. By the way, the Director of National Intelligence has said publicly and on the record that its

authorities continue until April. I was stunned.

I had Senators on both sides of the aisle whom I like very much—good, dedicated Senators—saying: Oh, my goodness, we have to act. If we don't act in the next few days, oh, my goodness, powerful tools we need to stop the terrorists—and I will not take a backseat to anybody in terms of stopping the terrorists—they are going to be gone. That is just not true.

Mr. President, I ask unanimous consent to have printed in the RECORD an article with the statement from the Office of National Intelligence, where the Director said on the record that its authorities would continue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Dec. 6, 2017]

WARRANTLESS SURVEILLANCE CAN CONTINUE  
EVEN IF LAW EXPIRES, OFFICIALS SAY

(By Charlie Savage)

WASHINGTON.—The Trump administration has decided that the National Security Agency and the F.B.I. can lawfully keep operating their warrantless surveillance program even if Congress fails to extend the law authorizing it before an expiration date of New Year's Eve, according to American officials.

National security officials have implored Congress for the past year and a half to extend the legal basis for the program, Section 702 of the FISA Amendments Act, before it lapses at the end of the month. They portrayed such a bill as the “top legislative priority” for keeping the country safe.

But with Congress focused on passing a major tax cut and divided over what changes, if any, to make to the surveillance program, lawmakers may miss that deadline. Hedging against that risk, executive branch lawyers have now concluded that the government could lawfully continue to spy under the program through late April without new legislation.

Intelligence officials nonetheless remain intent on getting lawmakers to pass a durable extension of Section 702 by the end of the month—warning that even a stopgap short-term extension of several months, as some lawmakers have proposed, would risk throwing the program into a crisis in the spring.

“We fully expect Congress to reauthorize this critical statute by the end of the year,” said Brian Hale, a spokesman for the Office of the Director of National Intelligence. “Not doing so would be unthinkable in light of the considerable value Section 702 provides in protecting the nation.”

The expiring law grew out of the Bush administration's once-secret Stellarwind warrantless surveillance program after the Sept. 11 attacks. After it came to light, Congress enacted the FISA Amendments Act of 2008 to legalize a form of the program.

Under Section 702, the N.S.A. and the F.B.I. may collect from domestic companies like AT&T and Google the phone calls, emails, texts and other electronic messages of foreigners abroad without a warrant—even when they talk with Americans. The program has expanded to a broad array of foreign intelligence purposes, not just counterterrorism.

If Congress fails to reauthorize the law this month, Mr. Hale acknowledged that the government believes it can keep the program going for months. Its reasoning centers on a legal complexity in how the program works: Under the law, about once a year, the secretive Foreign Intelligence Surveillance Court

sets rules for the program and authorizes it to operate for 12 months.

The court last issued a one-year certification on April 26. That matters because a little-noticed section of the FISA Amendments Act says that orders issued under Section 702 “shall continue in effect until the date of the expiration.”

Mr. Hale said the provision, which is recorded in federal statute books as a “transition procedures” note accompanying the main text of the law, makes it “very clear” that “any existing order will continue in effect for a short time even if Congress doesn’t act to reauthorize the law in a timely fashion.”

Given that conclusion, the government is making no plans to immediately turn off the program on New Year’s Day, no matter what happens in Congress, according to a United States official familiar with the Section 702 program who spoke on the condition of anonymity to discuss a sensitive topic.

The disclosure has significant ramifications for the debate over the program.

Congressional leaders have discussed including an extension of the program in other must-pass legislation, like a spending bill to keep the government from shutting down. But lawmakers will face less pressure to jam through such a move, short-circuiting a full and open debate over reform proposals, if the alternative is not an immediate termination of the collecting of intelligence authorized by the law.

Little consensus exists in Congress about what, if any, changes to make to the law as part of extending it. Lawmakers have submitted legislation spanning the gamut from making the law permanent without changes to imposing significant new limits to safeguard the privacy rights of Americans whose communications get swept up in the program, as well as a range of intermediary proposals.

One key disagreement centers on what limits, if any, to impose on how government officials may search for, gain access to or use in court information about Americans that gets swept into the warrantless surveillance program. Some lawmakers want to impose a broad provision forcing officials to get a warrant before they may query the repository about an American. Some want a more limited requirement that officials get a court’s permission to gain access to the results of such a query if it is for a criminal investigation but not a national security one. Some want to impose no new constraints.

Another major issue confronting lawmakers is what to say, if anything, about the N.S.A.’s old practice of collecting, from network switches on the internet’s backbone, international emails and other such messages that mention a foreigner who is a target of surveillance but are neither to nor from that person. The N.S.A. recently halted that practice but wants to retain the flexibility to turn it back on; some bills would codify a ban on it, and some would not.

The question of a Section 702 overhaul, and trade-offs between national security powers and privacy protections, has scrambled the usual party lines. Representative Robert W. Goodlatte of Virginia, the Republican chairman of the Judiciary Committee, has warned that legislation whose changes fall short of a compromise bill that he worked out with Democrats on his committee is unlikely to pass the House.

In an interview, Senator Ron Wyden, an Oregon Democrat, declined to comment on the government’s theory, but said he was open to making it possible to have a full and open debate over the proposed changes to the surveillance law early next year if time runs out this month.

“We’ve seen this movie before: wait until the last minute, and then say, ‘crowded con-

gressional calendar, dangerous world, we’ve just got to go along with it,” Mr. Wyden said. “Anything now that creates an opportunity for several months of real debate, I’ll listen to.”

Either way, the United States official said the executive branch and the courts would still need a durable new version of the law well before the late-April deadline. The problem, the official said, is that it will take a significant amount of time to develop new procedures based on the new law, submit them to the Foreign Intelligence Surveillance Court, make changes the court wants and then work with communications companies to implement the new certifications.

Mr. Hale declined to comment on those specifics, but said that a gap in the surveillance program’s legal authorization would generate uncertainty.

“So while the orders would be in effect for a short time after the end of the year, the fact is that we would need to be planning for the end of the program,” Mr. Hale said, “and that cannot be done in a matter of days—to effect that takes some time, and is not like turning on or off a light switch.”

Planning to turn off the Section 702 program, the other official said, would include steps to mitigate that change as much as possible, including by systematically going through the list of more than 100,000 foreigners abroad who are being targeted under the program and triaging which are the most critical, then developing lengthy packages of information to submit to the surveillance court to seek individualized orders to wiretap them.

But because of the resources such an effort would require and the higher legal standard the government would need to be able to meet, surveillance would ultimately cease on most of the Section 702 targets, the official added.

MR. WYDEN. Thank you, Mr. President.

Despite yesterday’s vote, I regret to have to say I am going to have to oppose this legislation’s final passage. My view is, if this bill does not go forward now, it is possible to get Democrats and Republicans back to work together to ensure there is a meaningful debate on the floor of the U.S. Senate and that this is done with ample time to meet this window that the Office of National Intelligence has talked about publicly, but if that doesn’t happen, the Senate has denied itself the opportunity to even attempt to fix this badly flawed bill.

This surveillance authority allows the government to sweep up some untold amount of law-abiding Americans’ communications. The government says, of course, that its targets are terrorists, and this is about keeping Americans safe from terrorism. I don’t take a backseat to anybody in terms of fighting terrorist threats.

Having served on the Intelligence Committee for some time now, I can tell all Members and the public there is no question that the terrorist threat is real and that there are significant numbers of people who represent a very real threat to the well-being of our country.

Now, if somebody says, We have to keep Americans safe from terrorism, I am all in. I would submit that I don’t know of a single U.S. Senator—not 1 out of 100—who is not all in on this

fight against terrorism, but that is not what the law says. The law says that, under section 702, the government can collect, without a warrant, the communications of foreigners “to acquire foreign intelligence information.”

Here is how the law defines “foreign intelligence information.” It is information that relates to the conduct of the “foreign affairs of the United States.” That is just about any piece of information about a foreign country.

Who can the government target to get all of this information? Anybody “expected to possess, receive, and/or is likely to communicate” that information. So if you unpack that, you don’t have to be a terrorist suspect or any kind of threat to the United States to be a target under section 702 of the Foreign Intelligence Surveillance Act. The government just has to think you know something the government wants to know.

That is why so many Americans—Democrats, Republicans, and Independents—are worried about getting their private communications swept up. They are law-abiding people, as I have been saying—servicemembers, businesspeople, Americans who, on a regular basis, talk to friends, families, and contacts overseas. They are worried because, based on what the law says, which I have just read, those foreigners could be the targets, and Americans’ communications could be collected by the government.

Now, for years, I and other Members of the Congress—both Houses, both parties—tried to at least get an estimate of how many law-abiding Americans’ communications have been getting swept up. As recently as April 2017, the Director of National Intelligence said the public was going to get some kind of estimate, but in June, the Director suddenly changed course and told the public and the Congress: You are not getting anything. What that means is no one knows the size of the database. Nobody knows how many Americans’ private communications are sitting there, waiting to be searched and possibly used against those Americans.

Just yesterday, the Privacy and Civil Liberties Oversight Board was invoked by those opposing reforms, but what that Board had to say about the sheer volume of Americans’ communications being swept up is actually, in their words, “too much expansion in the collection of U.S. persons’ communications or the uses to which those communications are put may push the program over the [constitutional] line.”

So here they were being cited, in effect, as supporters for the status quo when I just read you their concern about the status quo.

This is why today section 702 of the Foreign Intelligence Surveillance Act is an end-run on the Constitution, and it is what the Presiding Officer and other Members of this body—both Democrats and Republicans—have wanted to change.

This end-run is not just about the collection. It is that, after all the communications of our people are swept up, the government can go searching for individual Americans through all that data. They don't have to be suspected of anything. The government just has to decide on its own that your private communications might reveal some intelligence or some evidence of a crime, and like the collection of the communications, that search can take place without a warrant—no warrant on the collection of Americans' communications, no warrant on searching for individual Americans. This is a case of two wrongs certainly not making a right.

What the Senate did last night was prevent any debate on this basic constitutional question. The USA Rights Act, introduced by 15 Senators of both parties, would have required a warrant for those searches of Americans.

Our colleagues Senator LEAHY and Senator LEE have legislation requiring a warrant—a Democrat and a Republican. Other Members have had their own proposals. None of them are going to get heard by the Senate.

We had a chance to consider amendments. We could have fixed the underlying bill, which doesn't require any warrants for any searches for Americans. Let me just repeat that. The underlying bill does not require any warrants for any searches for Americans—none, not in intelligence cases, not in criminal cases. Warrantless fishing expeditions for Americans can just go on and on and on.

The bill's so-called reform only applies to the government's access to the results of the searches, but it really doesn't even do that. It only kicks in if the government is already well down the road of investigating somebody.

This means the bill provides more rights to criminal suspects than to innocent Americans. Think about what that is going to mean in Texas or Oregon or North Carolina or anywhere else in the country. As I have described it, this bill provides more rights to criminal suspects than to innocent Americans.

It gets worse because the bill is even narrower than that. It imposes no limitations at all if the government determines the search relates to national security or to a criminal matter that has anything at all to do with national security. Why are opponents of reform happy now? Because their bill does nothing.

I went and read the Director of National Intelligence's statistics for 2016. The CIA and the National Security Agency conducted over 5,000 warrantless searches for Americans, according to this material. It doesn't include the FBI, whose searches are supposedly too numerous to even count. It doesn't include communications records, which number in the tens of thousands.

How many times does the government encounter a situation in which,

under this bill, there would even be the possibility of needing a warrant? Exactly one—that is right—one among the thousands and thousands of warrantless searches for Americans. Even that is an overstatement because that one instance in 2016 could have occurred prior to a predicated investigation; in which case, it, too, would be exempt from warrant requirements.

Basically, this bill we will vote on provides an easy-to-read roadmap to the government to make sure it never has to get a warrant for anything. Meanwhile, the thousands of Americans subject to warrantless backdoor searches each year have no protections at all.

Had there been amendments, I think there would have been the familiar argument against requiring a warrant for searches of Americans' private communications. We would have heard that section 702 of the Foreign Intelligence Surveillance Act is necessary to connect the dots between suspects and terrorists.

Here is why that is misleading. Opponents of reform like to talk about a tip to the government that somebody is acting strange on a bridge. They say this is a situation where the government needs to go directly to reading the private communications of this person. That is just not how the Constitution works.

Think about it. Would you want the content of your private communications searched, accessed, and read just because somebody has a slight suspicion about you?

Here is the misleading part. Opponents of reform say that, unless the government searches for and reads the emails, it just can't connect the dots to the terrorists. That is just false. The government already has the authority to get this information and in a less intrusive way.

Some may remember just a few years ago there was a debate about ending metadata—the bulk collection of millions of phone records of law-abiding Americans. What remained at the end of that debate was the authority of the government to go get the phone and email records of anyone as long as the records were relevant to an investigation. If it is an emergency, the government can get those records immediately without having to go to the court first.

I want to emphasize that because it is something I have felt very strongly about. I wrote that section, section 102 of the USA Freedom Act, because I wanted to make sure it was clear in this debate about finding policies where security and liberty are mutually exclusive, where we have both, that the strongest possible message was sent; that if the government believes there is an emergency, the government can move immediately—immediately—to get the information it needs and then come back later and settle up with the court.

When I have the opportunity to be in the Oval Office, which I have had sev-

eral times—it is a wonderful honor and privilege given by the people of Oregon to pursue these issues—I will say what I say to the President, not what the President says back because I think those are private communications of the President. At one point in this debate, I said to President Obama: If you and your staff feel the current emergency provisions are not adequate, if you think they are not strong enough, I want to know about it because I will work with you to make sure they do the job.

That is because when there is an emergency and the security and well-being of the American people is on the line, the government gets a chance to move quickly, come back, and settle later with the court. I have included that in essentially all the legislation that I have authored. This provision of the Foreign Intelligence Surveillance Act is what allows the government to connect the dots without going directly to the content of private communications. That is how our system is supposed to work. The government gets less intrusive information on Americans, using a lower standard, first.

But what if the government needs the content of communications urgently? What if the government sees an immediate threat and believes it has no choice but to read those communications right away? As I said, that is why we had the amendment that I have described in USA Freedom Act, and it is why we said in our amendment to section 702—in this proposal—that we would also have an emergency exception. Again, the USA Freedom Act has an emergency exception, and our reform to section 702 of the Foreign Intelligence Surveillance Act has an emergency exception. In this case, under our proposal, in an emergency, the government can search for and read those communications immediately and seek a warrant later. Our proposal also includes other exceptions to the warrant requirement, such as a hostage situation, where a search might help save someone.

I bring this up only by way of saying that reformers have been very clear. When the government has an emergency that is defined by the government—not by somebody else who might conceivably not have all the information—what we did in the USA Freedom Act is what we are doing in section 702 of the Foreign Intelligence Surveillance Act, which is protecting the American people in an emergency.

Now, there are other facts about warrantless backdoor searches that opponents of a warrant requirement omit from public argument. For years after the original passage of section 702 of the Foreign Intelligence Surveillance Act, the CIA and the National Security Agency didn't have the authority to conduct these searches. What is more, the Bush administration never asked the FISA Court, or the Foreign Intelligence Surveillance Act Court, for those authorities. The Bush administration didn't think it was a problem

that the CIA and the NSA couldn't conduct warrantless backdoor searches of Americans. But now people act like the warrantless searches are somehow inseparable from the broader program. They pretend that we really can't have an effective foreign intelligence collection program unless you just make sure you are violating the rights of Americans.

This week should have been an opportunity to discuss the facts of how this bill could have been improved. It should have been an opportunity to clarify that Americans don't have to choose between security and liberty. It should have been the Senate's chance to push back against scare tactics and fearmongering and to lay out for the public what the government does and doesn't need to protect us. Instead, we get a bill that isn't necessary for our security and does nothing to protect our liberty.

There are other important amendments that are not going to be considered. One relates to what is known as "abouts" collection, a process in which two innocent Americans could have their communications swept up if they just write an email referencing a foreign target. We are talking communications entirely among individuals who themselves are not targets and are, potentially, all Americans. The whole concept is just contrary to the Fourth Amendment. As the privacy board concluded, there was "nothing comparable" in the law.

"From a legal standpoint, under the 4th Amendment, the government may not, without a warrant, open and read letters sent through the mail in order to acquire those that contain particular information. Likewise, the government cannot listen to telephone conversations, without probable cause about one of the callers or about the telephone, in order to keep recordings of those conversations that contain particular content."

That is the quote from the privacy board, and we sure heard on the floor sponsors of the status quo, in my view, suggest that the privacy board had a different view of what they were up to.

From a practical standpoint, this form of collection was so problematic that the government itself was forced to shut it down. Now, the underlying bill says: Go ahead and start it up, as long as you tell Congress. Congress has to be told anyway.

Based on the bill before us, if Congress does what it does best—which is nothing—the government can just go ahead.

Again, I don't think that is what the public thinks the Senate should be about. If the government ever wants to get back into the business of this collection, it can come to the Congress and get it authorized. If their argument wins the day, so be it, but preemptively writing into black letter law this form of collection, sight unseen, means that this Senate is surrendering our constitutional responsibilities.

This is one of the examples, the "abouts" collection, which I mentioned, of why this bill actually is a retreat from current law. Congress has never approved "abouts" collection. It wasn't in the 2008 bill creating the law or the first reauthorization of section 702. It happened because of a secret interpretation of law, and most of Congress knew nothing about it. But now, for the first time, when the government itself has suspended it—largely because they know it had been abused—what we are doing is essentially setting up what amounts to a fast-track process to write it back into the law. It defines "abouts" collection broadly—broader even than the government—and it invites its resumption.

The Senate also is not going to get to consider an amendment limiting how information on Americans can be used against Americans. The bill allows unlimited secret use of section 702 information—all collected without a warrant—in any investigation or in any administrative or civil procedures against Americans. Now, Americans understand how the government can thoroughly disrupt their lives without ever charging them with a crime, particularly if they are doing it based on secret information.

But even when it comes to using 702 information as evidence in criminal proceedings against Americans, the bill provides no real protections. All the government needs is for the Attorney General to determine that the criminal proceedings relate to national security or involve a set of crimes that have nothing at all to do with national security. There is a catch-all category called "transnational crime." Now, I have tried for some time to get the government to tell me what this "transnational crime" is. I haven't gotten much of a response. In any case, the underlying bill here specifically says that the Attorney General's decisions cannot be challenged in court.

So there you are. If the Attorney General decides that the crime you are being charged with somehow relates to national security or is a "transnational crime," that decision by the Attorney General is really pretty much sacred. You can go to jail without ever being allowed to challenge the government's use of section 702 information against you—information obtained without a warrant and potentially uncovered as a result of warrantless searches specifically conducted to find your communications and communications about you.

The ways in which the government could potentially use this information, collected without a warrant to investigate and prosecute Americans and those in the United States, are limitless—immigration status, recreational drugs, back taxes. The list goes on and on. I don't think Americans think that is how the system is supposed to work. Is that what a warrantless foreign intelligence surveillance bill is supposed to do? I don't think so—immigration

status, recreational drugs, back taxes—but this bill allows it.

The bill leaves in place other problems that affect our rights. One of them is the issue of what is called parallel construction. That is a lot of fancy legalese that says that, even if information against an American originally comes from section 702, if the government subsequently constructs a case from other collection, it never has to tell that American that it used section 702. My bill, with Senator PAUL and 13 other Senators, would have fixed that.

The bill we are voting on shortly, without any debate on amendments, also leaves in place a big catch-22 that prevents anybody from ever challenging section 702 in court. Section 702 collection is secret, so almost no one can prove definitively that they personally were swept up. That means it is also almost impossible to get standing to go to court to challenge section 702. I am sure it pleases opponents of reform, but it means that section 702 isn't going to be part of any court review process where both sides of the adversarial system get heard.

Fixing this problem is not, as so many in the House misleadingly said, giving rights to terrorists. That was part of the fear-mongering that went on. This is simply saying that section 702 is not exempt from constitutional challenges that apply to every single Federal statute—by the way, the hallmark of our constitutional system.

There are other problems that could have been fixed with amendments. I am particularly troubled by the fact that the underlying bill doesn't fix the problem of reverse targeting. This is where the government targets a foreigner overseas when it is really interested in collecting the communications of an American without a warrant. Right now, the law as written allows this collection to continue without a warrant, unless, in effect, the only purpose of the collection is to obtain the American's communications. My concern is that, if the government has even the slightest interest in the foreign target, it is not going to seek a warrant, regardless of the intensity of the government's interest in the American on the other end of the phone or the email. This could mean, again, frequent, ongoing searches of the American's communications. It could mean the use of the American's communications in investigations and criminal proceedings. There is a solution to this, and we proposed it; that is, if a significant purpose for targeting a foreigner is to get an American's communications, the government would need a warrant—pretty simple. I note that the Presiding Officer of the Senate is supportive of reforms and our bipartisan coalition. I very much appreciate that.

Just think about that. We had a solution to the fact that reverse targeting had been abused. We simply said, if a significant purpose of the government for targeting a foreigner is to get an

Americans' communications, the government would need a warrant—and, of course, we have an emergency exception in the bill as well.

The bill also doesn't prevent the government from directing service providers to modify or weaken encryption without any court oversight. I am telling you that this problem has been underappreciated. As we all know, there is an ongoing debate about whether the government should be able to mandate backdoor weaknesses in encryption. I believe this kind of authority is just a loser all around. I think Americans, if you weaken strong encryption, will be less safe. Certainly, parents who are concerned about a youngster don't want to weaken the protection in their smartphone for the tracker so they can keep tabs on their kids. If the government is allowed to mandate backdoor weaknesses in our products, I believe we will be less safe, we will have less liberty, and it will be a big loser for many of our high-skilled, high-wage companies.

I have already announced that, if there is any effort to weaken strong encryption, I will do everything in my power to block that legislation because it is a loser from a security standpoint, it is a loser from a liberty standpoint, and it will be bad news for a lot of our companies that pay good wages for the high skills of Americans, but even those who argue that the government should be able to mandate backdoor weaknesses in encryption assure us it is only going to happen if the court orders it. But under section 702, the government could direct a service provider to do that without any court awareness at all. And, of course, Congress might not know either.

Again, we would have liked to have fixed this here on the floor. The bipartisan legislation I have with Senator PAUL requires that the FISA Court approve the kind of technical assistance the government is seeking from providers, which would also result in the Congress finding out. This bill we will be voting on soon doesn't do that. As a result, the court and the Congress could end up totally in the dark about an issue that I think is absolutely central to the security and well-being of our people in the 21st century.

The bill also provides no clarification on the question of whether section 702 of the Foreign Intelligence Surveillance Act can be used to collect communications the government knows are entirely domestic. Put your arms around that. This law is called the Foreign Intelligence Surveillance Act, and we can't even get a straight answer from the government's Director of National Intelligence about whether the law can be used to collect communications the government knows are entirely domestic.

When I first asked the head of national intelligence whether 702 provided this authority, he said in a public hearing: No. That would be against the law.

Then, apparently, he told folks in the news media that he was answering a different question than the one I asked.

Once again, I asked the Director of National Intelligence to answer the question I had asked, at which point he then wrote and said that the whole thing was classified.

This is the essence of what is secret law. I believe it is the kind of thing that erodes trust in the government and in the intelligence community specifically.

Had we been able to have a real debate, I would have offered an amendment that would, in effect, write in the black letter law what the head of national intelligence told me at first when I asked him "Could FISA be used to collect wholly domestic communications?" before all this George Orwell stuff. The head of national intelligence said: No, FISA could not be used to collect wholly personal communications. That answer would have reassured the American people.

After all of this back-and-forth and the bizarre situation where the Director of National Intelligence says the whole thing is classified after he has already given an answer in public, now the public isn't going to have an opportunity to see its representatives address this issue or take a position.

Supporters of the bill point to provisions related to oversight of section 702. Here is how inadequate those are. Yesterday, we again heard about the privacy board. Right now, the privacy board is restricted to reviewing counterterrorism programs. Most intelligence programs aren't neatly categorized that way. They are broader than that. And, of course, the effect on Americans' privacy has nothing to do with whether a collection program is about terrorism or anything else. This bill leaves in place completely arbitrary limits on the privacy board and their ability to oversee the country's intelligence programs.

The bill does not meaningfully strengthen the FISA Court in a way that I think is very basic. There are people with top security clearances who appear before the court and provide the only alternative view in what is otherwise basically the government's show. The FISA Court has often gone years without addressing serious legal and constitutional questions. Sometimes, the court never gets to them. Right now, these sort of friends of the court are only heard from when the court invites them. But imagine if these folks who have top security clearances were informed about what was going on and could raise issues with the court whenever they felt it was important. This would not hinder the FISA Court, but it would greatly improve the chance that the court would consider serious issues earlier. Once again, no reform.

There are also basic principles of transparency that are ignored in the bill. Right now, the CIA and the NSA are obligated to inform the public how

many searches of Americans they conduct. The FBI is not. I don't see a good argument why Congress shouldn't change that. The American people deserve to know how often the CIA and the NSA conduct warrantless searches looking for information on them. They deserve to know how often the FBI does so, particularly because the FBI conducts searches for evidence of a crime as well as for intelligence.

I believe I have outlined the faults of the bill. This is not reform. It is not even business as usual; it is a retreat. It is, in fact, worse than just extending the program's business as usual because, for the first time, it writes into black letter law the problematic practices that I have outlined. There is not real oversight. There is not transparency. That is what the public demands. That is what I heard people asking for at the townhall meetings I held last weekend in Oregon. Americans still have a lot of unanswered questions about the program.

There are certainly many Members of Congress who share my concerns who have devoted much of their career to ensuring that Americans have security and liberty. I want to especially express my appreciation to Senators PAUL and LEE. They have been tireless champions. Chairman LEAHY has led on this critical matter for decades. Senator HEINRICH, my seatmate on the Intelligence Committee, is one of this body's rising stars because he is willing to dig deeply into the issues. In the House, 183 Members voted for the most comprehensive section 702 reform bill, the House version of the USA RIGHTS Act. As we saw last night—and the President of the Senate and I were involved in a lot of those deliberations down here in the well of the Senate—this was a very close vote.

A lot of people say: Well, the reformers are going to say their piece, and they are going to get 6, 8, 10 votes and the like.

I think, last night, we really brought home what I hear Americans say, Democrats, Republicans—by the way, many Independents—who have questions about the way the government works and want to see their liberties protected in a way that also keeps them safe, and a big group of Members in the other body. And last night, a big group of Senators said: What a quaint idea. Let's have the U.S. Senate be the U.S. Senate. Let's have a few amendments.

It was communicated to the leaders. I want to thank Senator SCHUMER for making it clear that he thought that some amendments would make this a better, fuller, and more complete debate. I think it is very unfortunate, with the fact that there are so many important issues here—it is an important bill. I hope people have seen that—having spent a lot of time on these issues over the years, I think we really need to have more time spent on this floor getting a chance to debate these issues, having Senators of both

parties work in good faith, work toward constructive solutions.

I think support for what we sought last night, which is a real debate and real solutions and actual amendments—I think more and more Americans are coming around to see that is the way to proceed because Americans aren't going to buy the idea that, well, we will just say you have to give up some of your liberty to have security. Ben Franklin said it very well: Anybody who gives up their liberty to have security doesn't really deserve either.

What we need are smart policies. That is why I talked about encryption. Strong encryption makes us safer. It also protects our liberty. That is why I outlined some of the deep flaws in this bill. I think this bill puts on fast track going back to "abouts" collection, where somebody is barely mentioned and, all of a sudden, the government is collecting the communication.

I will oppose final passage of this legislation. Nothing is preventing the Congress from getting this right. As I mentioned, the office of national intelligence—the Director of the relevant agency has said there is plenty of time for us to take this bill, have a few amendments, a real debate, and come up with a bill that better ensures that Americans are both safe and free.

With that, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRUZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LANKFORD. Mr. President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time on the House message to accompany S. 139 expire at 12:15 p.m. on Thursday, January 18.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for approximately 15 minutes as in morning business.

The PRESIDING OFFICER (Mr. TILLS). Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, now, for the 193rd time, I will give my "Time to Wake Up" speech, and as I do so, we are coming up on President Trump's anniversary in office. Unfortunately, this occasion does not offer the American people much to celebrate. Behind the persistent tweets and the dog whistles, the Trump Presidency has been a spectacle of special interests and self-dealing. Billionaire donors have endless access installing their operatives and pursuing their special interest goals throughout the execu-

tive branch. They are literally writing the rules in an unambiguous effort to enrich themselves evermore at the expense of everyone else.

Fossil fuel barons are the new American dark money emperors. Carl Icahn, early on, got himself installed as a special adviser to the President on regulatory reform and began pushing for a change to the renewable fuel standard that would net one of his companies, CVR Energy, hundreds of millions of dollars. Icahn's insider campaign came to an end in August of last year right around the time a New Yorker article outlined the potential legal claims that could arise from his murky status and self-dealing. Federal investigators have since opened a probe into Icahn's time at the White House.

Then came Murray Energy Corporation CEO and big Trump donor Bob Murray with his policy wish list for Trump officials. He called it his action plan. Murray had donated \$300,000 to the President's inauguration, and he donated hundreds of thousands of dollars to political action committees affiliated with the EPA Administrator and fossil fuel operative, Scott Pruitt. In a "Frontline" documentary, Bob Murray bragged about giving the administration this action plan and that the first page was already done.

Well, I was curious to see the Bob Murray action plan for the Trump administration, so I joined Senator CARPER, our ranking member on the Environment and Public Works Committee, and asked the White House for a copy of the Bob Murray action plan. The White House ignored our request and to this date has never responded.

I guess the White House was busy organizing Trump's nominee for second in command at the EPA: a lobbyist for, guess who—Bob Murray and Murray Energy. During the Murray Energy lobbyist's EPA confirmation hearing, he claimed he did not have the Bob Murray action plan. He admitted he had seen the Bob Murray action plan at a meeting between Bob Murray and Energy Secretary Rick Perry last March, but he could not recall details of what was in the action plan or what was discussed in the meeting. Lobbyists for energy companies who get one-on-one meetings with the Secretary of Energy often little note nor long remember what went on at the meeting.

Anyway, I asked the Department of Energy whether they had a copy of the elusive Bob Murray action plan. Shortly after my request, and before we heard anything from the Department of Energy, the magazine *In These Times* released photos of that March meeting that the Murray lobbyist had mentioned between Secretary Perry and Bob Murray.

This photo shows Bob Murray and Secretary Perry. It looks like Bob Murray received a pretty cozy reception from the Energy Secretary. This gentleman, I believe, is another lobbyist for Bob Murray and Murray Energy. After they got through the hugging,

they got down to business. There is the Secretary, there is the CEO Bob Murray, there is his other lobbyist, and this is the Bob Murray lobbyist who is now teed up to be the No. 2 at EPA. Right there in the picture is the Bob Murray action plan. This is a closeup of it, and the Presiding Officer can't see from there and nobody on the camera can see, but if you look right here, it talks about power grid reliability in the cover letter signed by Bob Murray, which may have cooked up, since this was a meeting with Secretary Perry, Secretary Perry's power grid reliability proposal to the Federal Energy Regulatory Commission, which included huge subsidies to coal plants.

So we have a coal company CEO bringing his action plan in to Secretary Perry on whose cover letter it talks about power grid reliability, and before you know it, Secretary Perry is proposing a power grid reliability project to the Federal Energy Regulatory Commission that just happens to give the coal industry enormous subsidies. What could possibly be wrong with that?

Well, with this photographic evidence in hand, I renewed my request that the Energy Department produce this Bob Murray action plan. They were no longer able to pretend they didn't have it because they had a picture of it, with the Secretary, on his desk. They nevertheless continued to stonewall me, saying they would provide me the document after responding to FOIA requests from the public.

So, memo to my Senate colleagues, when in the exercise of your oversight authority and the oversight authority of Congress and the Senate you request documents from the Trump administration, you might want to consider putting in a parallel FOIA request as that may be the only way you get a response.

Despite the administration's best efforts to stonewall the Bob Murray action plan, however, my office was able to obtain a copy from an independent source. This version is addressed to Vice President PENCE.

The New York Times has now published the Bob Murray action plan.

Mr. President, I ask unanimous consent to have printed in the *RECORD* the article they wrote, "How a Coal Baron's Wish List Became President Trump's To-Do List," and the Bob Murray action plan that was the subject of that story at the conclusion of my remarks.

The article details demands made by Murray that have already been checked off by the President and the administration, including the repeal of the Clean Power Plan, withdrawal from the Paris climate agreement, the installation of mining industry operatives at the Mine Safety and Health Administration, and even, believe it or not, the appointment of a fossil fuel-friendly U.S. Supreme Court Justice.

Several more of Bob Murray's action plan requests are underway. At the

Mine Safety and Health Administration, now led by a former coal mine executive, Murray Energy and trade associations are working to undo Obama-era rules to protect miners. The 2010 coal mine dust rule is also on the chopping block. Over at EPA, Bob Murray's political money beneficiary, Scott Pruitt, has begun a review of the Agency's 2015 ozone standards.

Let me just drop in, as a Senator from Rhode Island, we have had days when you drive into work and the skies are clear and the weather is nice and the radio says: Little children, infants and elderly folks and people who have a breathing difficulty should stay indoors in the air-conditioning. They should not go outdoors and enjoy the beautiful day. Why? Because of ozone which is being bombarded in on Rhode Island from—guess what—coal plants in the Midwest. We are in the downstream receiving end of ozone, which is the product of those coal plant emissions. So, obviously, loosening the ozone standards is good for coal companies.

On a new topic, EPA continues to cut and to drive away its staff—all items on Bob Murray's action plan.

Since it appears that Bob Murray has tailored his action plan for individual agencies, I have sent additional requests last week to the Department of Labor, the Environmental Protection Agency, the Federal Energy Regulatory Commission, and the Tennessee Valley Authority, all of which are named in the Bob Murray action plan to see what specific action plans they have from Bob Murray.

The fossil fuel industry may be able to boss Cabinet Secretaries around and may be able to bring the majority party in Congress smartly to heel, but, fortunately, there are still some venues where their demands run smack up against the rule of law. In our courts and in administrative proceedings, decisions must have substantial support in the evidence, and lying and misleading can be exposed and even punished—unlike in Congress, where lying and misleading have been sickeningly successful fossil fuel tactics for decades.

Last week, the independent Federal Energy Regulatory Commission—even one stuffed with Trump appointees—rejected Secretary Perry's proposed power grid reliability rule to subsidize coal and nuclear plants. The FERC Commissioners found that the proposal failed to meet “clear and fundamental” legal requirements, like that the result will be “just and reasonable” under the Federal Power Act.

As an aside here, the theory of the coal industry was that their units provide more reliability than renewables. Well, tell that to Iowa's electric grid operators, which have baked Iowa's abundant wind energy not just into their flow but into their reliability modeling. Tell that to New England's ISO, which has allowed renewables into its capacity auctions to be paid, for

meeting baseload capacity requirements. And, of course, tell that to anyone who has had to deal with scheduled and unscheduled outages at coal plants.

When I went on one of my climate visits to, in this case, Tennessee, I heard about a coal plant that had to be shut down because climate change had warmed the river and shrunk the flow so that the river used to cool the plant was no longer adequate to cool the plant, and they had to go into an unscheduled outage. Wind and solar are very reliable, and the ISOs have baked the algorithms that quantify their reliability into their grid reliability planning.

The “coal is reliable and renewables aren't” argument may pass muster on talk shows, but in the real world of grid operators, it is nonsense. FERC, as a rule-of-law agency, is required to face that fact.

America's courts also stand in the way of the Bob Murray action plan agenda. Murray, for instance, has demanded that the EPA overturn its 2009 endangerment finding—the administrative finding that greenhouse gas emissions, like carbon dioxide and methane and so forth, threaten the public health and welfare of current and future generations. That is their finding, that those greenhouse gas emissions threaten the health and welfare of current and future generations. That is why it is called an endangerment finding, because of the danger to the public. Well, good luck challenging that determination in a court of law. In fact, the U.S. Court of Appeals for the DC Circuit has already upheld the endangerment finding back in 2012.

Even the fossil fuel flunky running the EPA now knows better than to challenge that endangerment finding. If he thought he could, he would in a heartbeat, but he is clever enough to know that an avalanche of climate evidence would fall in on his head if he tried. Witnesses from virtually every leading State university in the industry, from Alaska to Oklahoma to Georgia to Maine; expert scientists from our National Laboratories, from Idaho to Tennessee; our national security agencies and our military; America's government watchdog agencies, like the GAO and the GSA; and even the Trump administration's own recent climate report, all, would pile on the conclusive evidence of climate change. And on the other side would be what? Pathetic Kathleen Hartnett White, who gave one of the worst performances in Senate history at her confirmation hearings? The secretly fossil-fuel-funded Willie Soon? Some coal company lobbyist? Or perhaps the Heartland Institute, with its proud history of comparing climate scientists to the Unabomber?

It would be a rout. It would be a rout, and even Pruitt knows it. The reason it would be a rout is because of the rule of law—the rule of law requirements of the Administrative Procedures Act, the

rule of law specter of judicial review, and the rule of law sanctions that courts impose for false evidence.

Certainly, Bob Murray and his surrounding crowd of bad-acting fossil fuel billionaires know how to throw their political weight around. We see everywhere the phony science denial apparatus they have created. We see their false and toxic messages even in outlets like the Wall Street Journal editorial page. We see their lobbying front groups like the U.S. Chamber of Commerce, continuing adamantly to oppose any serious climate legislation despite the contrary position of companies on their board of directors. American elections stink with their dark money and promises and threats. Their flunkies have now been moved into positions of authority in government, and the Trump's administration eagerness to carry out industry marching orders is humiliatingly servile.

Ultimately, the polluters' drive to put profit first above the health and safety of Americans will face strict scrutiny in the truth-based arena of Federal courts. Ultimately, it will also face the harsh test of time, as the fact that they knew and the fact that they lied becomes ever more obvious and ever more odious. Ultimately, the American voter will have her say about whether this great Republic should be under the dominion and control of the fossil fuel industry or free to address the problem of climate change as a rational world leader must.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Jan. 9, 2018]

#### HOW A COAL BARON'S WISH LIST BECAME PRESIDENT TRUMP'S TO-DO LIST

(By Lisa Friedman)

WASHINGTON.—President Trump's first year in office has been a boon for the coal industry, with the Trump administration rolling back regulations on coal-fired power plants and withdrawing the United States from the Paris climate change agreement.

Environmentalists have expressed alarm at the new direction, and have complained that Mr. Trump was following a blueprint from the coal industry. A confidential memo written by the head of the country's largest coal mining company suggests they might not be wrong.

The memo was written by Robert E. Murray, a longtime Trump supporter who donated \$300,000 to the president's inauguration. In it, Mr. Murray, the head of Murray Energy, presented Mr. Trump with a wish list of environmental rollbacks just weeks after the inauguration.

Nearly a year later, the White House and federal agencies have completed or are on track to fulfill most of the 16 detailed requests, even with Monday's decision by federal regulators to reject a proposal by Energy Secretary Rick Perry to subsidize struggling coal and nuclear plants.

The March 1 memo, which was obtained by Senator Sheldon Whitehouse of Rhode Island and shared with The New York Times, is addressed to Vice President Mike Pence. The sweeping wish list of regulatory overhauls includes ending regulations on greenhouse gas emissions and ozone and mine safety, as well as cutting the staff of the Environmental Protection Agency “at least in half”

and overhauling the Labor Department's office of mine safety.

"I give President Trump and his administration credit for being bold, being passionate and being correct in addressing a lot of these issues that were on my list here," Mr. Murray said in an interview Tuesday.

Photographs of portions of a different memo, dated March 23 and addressed to Rick Perry, the secretary of the Department of Energy, were obtained by the magazine *In These Times* last year. They were taken during a meeting Mr. Murray held on March 29 with Mr. Perry and others at the Energy Department, according to the magazine.

Mr. Murray on Tuesday described the memos as very similar.

The March 1 "Action Plan for the Administration of President Donald J. Trump" is aimed, Mr. Murray wrote in the memo, at "getting America's coal miners back to work." He also asks the federal government to cut funding for carbon capture and sequestration technology—which Mr. Murray called "a pseudonym for 'no coal'"—and eliminate a 2009 E.P.A. ruling known as the endangerment finding that was the legal justification for much of the Obama administration's climate change policy.

"This list was to remain private, a list of things that needed to be done for reliable, low-cost electricity in America. That was my number one goal here, was to give guidance to the administration in an area that I have observed over 60 years," Mr. Murray said.

Critics say Mr. Murray's list and the apparent ease with which he was able to get it in front of cabinet officials and others illustrates the open-door access the Trump administration has offered energy and other industries as it moves to redirect and weaken federal regulations.

"The astonishing presumption of this list," Mr. Whitehouse, a Democrat, said. "It's an extraordinary arrogance of the fossil fuel industry based on the power they wield in Washington, D.C." He said even though Mr. Murray had bragged about the action plan on a *Frontline* documentary last year, the Energy Department had declined his requests to immediately release the memo.

"The power of the fossil fuel industry around here is so great I think the industry feels they can count on simply not complying with requests," Mr. Whitehouse said.

The Energy Department did not respond to a request to discuss the memos from Mr. Murray.

The Trump administration has had an unusually close relationship with Mr. Murray. He and 10 of his miners were invited to watch the president sign an executive order to roll back President Obama's climate change regulations. He has met with Mr. Perry to discuss the needs of coal producers. His longtime attorney, Andrew Wheeler, is awaiting Senate confirmation to the No. 2 slot at the E.P.A., and David Zatezalo, the nation's new top mine safety and health regulator and previously the president of a coal mining company, told his hometown paper that Mr. Murray had encouraged him to put his hat in the ring for the job.

Jeffrey Holmstead, a lawyer with the firm Bracewell and a deputy administrator of the E.P.A. in the George W. Bush administration, called Mr. Murray's action plan "an ambitious list." While interest groups always try to influence policy in a new administration, Mr. Holmstead said Mr. Murray's status with the administration set him apart.

"I really don't think it's at all unusual that Murray would have this wish list or a set of recommendations. What makes it different is that it's pretty clear that he has a personal relationship with the president,"

Mr. Holmstead said. "It seems like given Mr. Murray's relationship with the president that he had more of an expectation that these things were going to be accepted or implemented."

One item not on the list yet important to Mr. Murray was an order the Federal Energy Regulatory Commission rejected Monday to subsidize struggling coal and nuclear power plants. Mr. Murray railed against that decision saying it would lead to the decommissioning of coal and nuclear power plants.

Environmental groups have accused Mr. Murray of directly asking Mr. Perry for a proposed rule to reward coal and nuclear power plants for providing "grid resiliency." The March 1 memo does not mention the grid, though photographs of the cover page of the March 23 document to Mr. Perry obtained by *In These Times* shows its focus is "a plan for achieving reliable and low cost electricity."

Soon after Mr. Murray's meeting at D.O.E., Mr. Perry ordered the agency to prepare a study on the country's electric grid reliability, a precursor to ordering the federal government to subsidize struggling coal and nuclear plants.

Mr. Murray and a spokesman, Gary Broadbent, said the difference between the two memos was that the one provided to Mr. Perry asked the Energy Department to study the security of the nation's power grid.

"I suggested that the study be made," Mr. Murray said. "What they did from there, the administration did. I did not have involvement in it."

One of the items on the 16-point list was an overhaul of FERC regulators, and the Trump administration accomplished that. But those Trump-appointed commissioners voted against the plan to bail out coal and nuclear.

"Obviously they forgot who appointed them right out of the box," Mr. Murray said.

*Correction: January 16, 2018*

An earlier version of this article misstated the number of suggested actions in a memo that Robert E. Murray submitted to the Trump administration. It had 16 suggestions, not 14.

MURRAY ENERGY CORPORATION,  
St. Clairsville, OH, March 1, 2017.

Hon. MICHAEL R. PENCE,  
Vice President of the United States of America,  
The White House, Washington, DC.

DEAR VICE PRESIDENT PENCE: Enclosed is an Action Plan for the Administration of President Donald J. Trump, which will help in getting America's coal miners back to work. We have listed our suggested actions in order of priority.

We are available to assist you and your Administration in any way that you request.

Sincerely,

ROBERT E. MURRAY,  
Chairman, President & Chief Executive Officer.

ACTION PLAN FOR THE ADMINISTRATION OF  
PRESIDENT DONALD J. TRUMP

CLEAN POWER PLAN

The so-called Clean Power Plan must be eliminated. Murray Energy Corporation obtained a stay of this rule before the Supreme Court of the United States on February 3, 2016. This illegal rule will close an additional fifty-six (56) coal-fired electric generating plants, totaling 53,000 megawatts, on top of the 101,000 megawatts (411 coal-fired plants) that President Barack Obama and his Democrat supporters have already closed.

"ENDANGERMENT FINDING" FOR GREENHOUSE GASES

With the overturning of the Clean Power Plan, there must be a withdrawal and sus-

pension of the implementation of the so-called "endangerment finding" for greenhouse gases.

EPA's "endangerment finding" under the Clean Air Act serves as the foundation for the agency's far reaching regulation of the economy in the form of emission limitations for greenhouse gases, including carbon dioxide. The high degree of uncertainty in the range of data relied upon by EPA combined with the enormous regulatory costs without concomitant benefits merit revisiting the "endangerment finding".

According to EPA's finding, the "root cause" of recently observed climate change is "likely" the increase in anthropogenic greenhouse gas emissions. EPA relied upon computer-based-climate-model simulations and a "synthesis" of major findings from scientific assessment reports with a significant range of uncertainty related to temperatures over 25 years. The climate model failures are well documented in their inability to emulate real-world climate behavior. Models that are unable to simulate known climate behavior cannot provide reliable projections of future climate behavior. As for the scientific assessments underlying the "synthesis" of findings used by EPA, many were not peer reviewed, and there are multiple instances where portions of peer reviewed literature germane to the "endangerment finding" were omitted, ignored or unfairly dismissed.

ELIMINATE THE THIRTY (30) PER CENT PRODUCTION TAX CREDIT FOR WINDMILLS AND SOLAR PANELS IN ELECTRICITY GENERATION

Electricity generated by windmills and solar panels costs twenty-six (26) cents per kilowatt hour with a four (4) cent per kilowatt hour subsidy from the American taxpayers. These energy sources are unreliable and only available if the wind blows or the sun shines. Coal-fired electricity costs only four (4) cents per kilowatt hour. Low cost electricity is a staple of life, and we must have a level playing field in electric power generation without the government picking winners and losers by subsidizing wind and solar power.

WITHDRAW FROM THE ILLEGAL UNITED NATIONS COP 21 PARIS CLIMATE ACCORD

The United Nation's COP 21 Paris Climate Accord, to which Barack Obama has already committed one (1) billion dollars of America's money, is an attempt by the rest of the world to obtain funding from our Country. It is an illegal treaty never approved by Congress, and it will have no effect on the environment.

END THE ELECTRIC UTILITY MAXIMUM ACHIEVABLE TECHNOLOGY AND OZONE REGULATIONS

We have won these issues in the United States Supreme Court, and these rules must be completely overturned.

FUND THE DEVELOPMENT OF CERTAIN CLEAN COAL TECHNOLOGIES

The Federal government, must support the development of some Clean Coal Technologies, including: ultra super critical combustion; high efficiency, low emission coal firing; combined cycle coal combustion; and others. It should not fund so-called carbon capture and sequestration ("CCS"), as it does not work, practically or economically. Democrats and some Republicans use COS as a political cover to insincerely show that they are proposing something for coal. But, carbon capture and sequestration is a pseudonym for "no coal".

OVERHAUL THE BLOATED AND POLITICALIZED MINE SAFETY AND HEALTH ADMINISTRATION OF THE U. S. DEPARTMENT OF LABOR

This Federal agency, over the past eight (8) years, has not been focused on the coal

miner safety, but on politics, bureaucracy, waste, and violation quotas. While coal mine employment has been cut in half, the Federal Mine Safety and Health Administration has continued to hire inspectors every year. But, the government has nowhere to put them. Murray Energy Corporation received an average of 532 Federal inspectors per month in 2016. We must send a Company manager with every one of these inspectors, taking us away from our employee safety inspections and safety training.

**CUT THE STAFF OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN AT LEAST HALF**

Tens of thousands of government bureaucrats have issued over 82,000 pages of regulations under Obama, many of them regarding coal mining and utilization. The Obama EPA, alone, wrote over 25,000 pages of rules, thirty-eight (38) times the words in our Holy Bible.

**OVERTURN THE RECENTLY ENACTED CROSS-STATE AIR POLLUTION RULE**

This regulation particularly punishes states in which coal mining takes place to the benefit of other wealthier east coast states.

**REVISE THE ARBITRARY COAL MINE DUST REGULATION OF THE MINE SAFETY AND HEALTH ADMINISTRATION OF THE DEPARTMENT OF LABOR**

This regulation provides no health benefit to our coal miners, and threatens the destruction of thousands of coal mining jobs.

**OBTAIN LEGISLATION TO FUND BOTH THE RETIREMENT MEDICAL CARE AND PENSIONS FOR ALL OF AMERICA'S UNITED MINE WORKERS OF AMERICA (UMWA)—REPRESENTED, RETIRED COAL MINERS**

For four (4) years, Senate Majority Leader Mitch McConnell has refused to address this issue. Some say that this is because the UMWA wrongly opposed him in his recent election. This must be taken care of. And the legislation enacted must address not just those recently orphaned through company bankruptcies and mine closures, but the medical benefits and pensions that were promised to all retired miners by the Federal government itself.

**OVERTURN THE NINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR, PATTERN OF VIOLATIONS RULE**

This rule is a punitive action of the Mine Safety and Health Administration under its Director for the past eight (8) years, the former Safety Director of a labor union.

**APPOINT JUSTICES TO THE SUPREME COURT OF THE UNITED STATES WHO WILL FOLLOW OUR UNITED STATES CONSTITUTION AND OUR LAWS**

We must offset the liberal appointees who want to redefine our Constitution and our laws.

**MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION MUST BE REPLACED**

The current Federal Energy Regulatory Commission has a record of favoring actions of the Obama Administration that have destroyed the reliability of America's electric power grid and which have led to skyrocketing electric power costs, as Mr. Obama, who appointed them, stated would occur in 2008.

**MEMBERS OF THE TENNESSEE VALLEY AUTHORITY BOARD OF DIRECTORS MUST BE REPLACED**

The Board of Directors of this government agency has followed the mandates of the Obama Administration, rather than assure reliable, low cost electricity for the Tennessee Valley Authority's rate payers, whom they are mandated to serve in this manner.

**REPLACE THE MEMBERS OF THE NATIONAL LABOR RELATIONS BOARD ("NLRB")**

Eliminate the antiemployer bias of the NLRB by appointing members and staff, par-

ticularly in the General Counsel's office, who will fairly consider the employer's position and needs and not automatically accede to the unions or unionized employees in every matter considered.

Mr. WHITEHOUSE. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

**CONFRONTING ISSUES THE RIGHT WAY**

Mr. LANKFORD. Mr. President, a few days ago, our Nation stopped and remembered Dr. Martin Luther King, Jr. It is entirely appropriate for us to do so. It is a holiday set aside to be able not only to remember but to reflect and try to figure out: Where are we now?

This year is especially significant. Fifty years ago this year, Dr. King was assassinated in April 1968. A lot of things have changed in that time period. Quite frankly, as a nation, we have learned a lot about race. We no longer as a nation talk about three-fifths of a man anymore—rightfully so, and we are appalled by our history in that. We no longer have separate water fountains set up in restaurants or tell certain people because of their background, their family, or their skin color that they can take food to go but they can't come in and sit down.

We have come a long way in hiring. We have come a long way in just our communities and our schools. The work is not done. We still have a long way to go, quite frankly.

Dr. Martin Luther King, Jr., was bold enough to be able to challenge the church first, then the Nation, and then the world that we have an issue around the issue of race. He was going to challenge us to confront it—rightfully so. He challenged us on the issue of racial justice, on poverty, on education, but he also challenged us on the way that we speak out on issues, and I think we lose track of that as a culture.

Quite frankly, as a Senate and as a Nation, we are losing track of one of the things Dr. Martin Luther King challenged us on: There is a right way to confront issues and a wrong way to confront issues. Dr. King did something revolutionary. He pushed a community to confront injustice the right way, and he won.

He made radical statements like this:

Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.

Dr. King said:

I have decided to stick with love. Hate is too great a burden to bear. Love is the only force capable of transforming an enemy into a friend.

For whatever reason, we lose track of Dr. King's statements about "love is a powerful thing." We start as a culture responding with hate to respond to hate. When someone says something hateful, we respond back with something more hateful back at them. It doesn't actually solve anything, and we lose the great model that he really set for us in that.

If we want to make enemies friends, only love can do that, only relation-

ships can do that, only pressing a friend to do the right thing can do that. Now, is that happening in our culture? No. It is in spots, but it is not hard to go on any of our social media sites at any moment and be able to see the challenge in our social media sites, where it is not love driving out hate. It is hate attacking hate.

It is remarkable to me. I just glanced at some of the things just of late as I was preparing for this conversation. I look backward at a few of the posts that are on my own social media sites—controversial statements that I made, like, on the 1st when I did a post that just said "Happy New Year." It was a stinging controversial post that was responded to by someone saying: Loser. Liar. Traitor. How much money did you take from Russia, comrade?

That was to my statement of "Happy New Year."

I made a statement about how kids who came in under DACA should be treated differently. These are kids who didn't break the law. These are kids who are like the 4-year old riding in the backseat of the car when their parent was speeding. When the parent is pulled over, they don't give the kid a ticket. I made just a quick post about that, and the response to that, among many, was this: What is with his hair color? Dude, get it done professionally. You look terrible.

I just have to say to you: Dude, this is done by a professional. God gave me this hair color, and so there is no bottle involved in this one. It is His work, and I would call Him a pro.

There is all of this talk back and forth about where we are going to go as a culture, and we are losing Dr. King's legacy that hate doesn't drive out hate, that only love does that.

Now, there is a lot of conversation in this body, as well, saying things have never been worse in the Senate and in Congress. I would disagree. Just after Vice President Burr left office, he challenged the Secretary of the Treasury to a duel where he shot the Secretary of the Treasury dead in a duel. In 1850, in the Chamber just right down the hallway here, in what is called the Old Senate Chamber, they were working on a compromise and Senator Foote and Senator Benton were in an argument, and so Senator Foote reached into his desk in the middle of the argument and pulled out his pistol while screaming at Senator Benton, to which Senator Benton jumped on one of the desks that is in this room still today. He jumped on the desk and pulled open his coat, revealing: I don't have a weapon. Shoot me. Shoot me. That was on the Senate floor, and they wrestled Senator Foote to the floor and took his gun away from him.

People can say it has never been worse. I can assure you it has been worse. But what we do have responsibility for is in our time and setting the tone for difficult debate in this moment.

The arguments that happen on the Senate floor and the violence on this

Senator floor, including Senator Sumner being almost beaten to death with a cane just before the Civil War, set a path into the Civil War for the Nation. What is the path we are taking the Nation on right now in our debate?

As a nation, I have a simple reminder that is not mine. It is from a powerful American leader named Dr. King, who said: "Hate does not drive out hate." For anyone who is looking at what is happening in our culture and in politics right now saying "if only I say something more hateful than the last guy, this will get better," you have missed his point.

Dr. King was deeply moved by Scripture, and there are multiple examples of it in his writings and in his speeches. He quoted passages over and over again, like from 1 John, Chapter 4: "Dear friends, since God so loved us, we also ought to love one another"; Psalm 34: "Taste and see that the Lord is good." Over and over again, he came back to Scripture as just a simple reminder that things can be different for us.

He challenged the church at moments, like in his letter from Birmingham jail, and he challenged culture. In fact, we lose track of the fact that during the civil rights movement, Dr. King was working with both parties to establish platforms for both parties that would respect the dignity of all Americans. It is a good path that has been set for us. In the middle of our conversation about Dr. King, I would hope that we would remember it.

Let me make one quick side note, as well. It is kind of a fun note for those of us from Oklahoma. The story of Dr. King, as many people may know, almost didn't happen the way that it did. In 1953, just finishing up seminary and in the middle of his doctoral work, when he was just Martin Luther King, not Dr. Martin Luther King yet—he was still doing his doctoral work at Boston University. He came to a small church in Oklahoma City that was well respected in the civil rights movement—Calvary Baptist Church. In fact, in 1952, Calvary Baptist Church hosted the national conference of the NAACP and had Thurgood Marshall there as a speaker. In 1953, Dr. King was interviewed there to be one of the pastors at Calvary Baptist Church. The elders in the church heard him, read about him, met him, and then turned him down. This is my favorite quote from one of the elders of the church. They said they didn't think he had enough gravity on him yet. He was too young, not experienced enough. That was in 1953. Ten years later, he was standing on the Mall right down the street saying "I have a dream," leading the entire country.

I say that to say that sometimes we have this assumption that we are in control. We are not. God is in control. He has a path and a plan. Sometimes when we hear no and when we hear hard things, we find out He has a path and plan that may look different from ours.

I would only challenge us as a body to do the right thing the right way and to see where that takes us. As it says in Psalm 34, "Taste and see that the Lord is good." Do it the right way, and let's see how this works out together.

It is a simple reminder and a simple admonition to a body that could use some words from Dr. King and see if we can put them into practice together.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### HAWAII EMERGENCY MANAGEMENT AGENCY ALERT SYSTEM

Ms. HIRONO. Mr. President, when the Sun rose last Saturday in Hawaii, nothing seemed out of the ordinary. People on Kauai were getting ready to participate in the local march to commemorate Dr. Martin Luther King Jr. Day. Families were sitting around the table eating breakfast. Others were sleeping in after a long week of work.

At 8:07, everything changed. Mobile phones throughout Hawaii received an emergency alert in all capital letters informing them of a ballistic missile threat inbound to Hawaii and that this was not a drill. The terror and panic were real, and people's reactions reflected that. Parents passed their children through manhole covers into the sewers, seeking safety for them. Separated family members took to the highways, driving as fast as 100 miles per hour to get home. Some had to decide whether to rush to be with their spouse or their children.

Then 38 minutes later, an emergency alert came through saying that there was no missile threat—false alarm. The relief was palpable. This relief gave way to real, visceral anger. Anger that there was a false alarm. Anger that it took 38 minutes to alert the public. Anger that we faced a missile threat at all.

This incident has undermined the public's faith in our State government's ability to provide timely and accurate information about a potential crisis. At a time when we face heightened tensions around the world—and particularly with regard to North Korea—it is crucial that the people of Hawaii have confidence in the government to provide accurate information. That is why I am calling for a thorough, transparent investigation into what occurred. We need a full accounting of the human and system failures that occurred, and we need to identify and put in place specific steps to make sure nothing like this ever happens again.

What we do know is that the incident was a result of human error. An operator mistakenly triggered the alert. Although the error was discovered quickly, we need to better understand the circumstances that led up to the incident. We need to understand how the operator was trained. We need to identify and understand any other potential issues that resulted in this specific human error.

The State has appointed an investigator to get to the bottom of this, and

the State legislature is scheduled to be briefed on preliminary findings this Friday. Once the circumstances that precipitated this error are identified, we, of course, need to correct them as quickly as possible.

Concurrently, we need to understand the system failures that resulted both in the false alert and in the 38-minute delay before the Hawaii Emergency Management Agency, or Hawaii EMA, issued a correction. Why did Hawaii EMA officials believe they needed approval from the Federal Emergency Management Agency, FEMA, to issue a correction? The Secretary of Homeland Security told me at a hearing yesterday that no such permission was necessary, pointing to a need for clarity regarding Agency responsibilities.

State governments oversee and operate local emergency management alert systems, but the Federal Communications Commission, FCC, and the Department of Homeland Security, through FEMA, have a role to play to make sure that these systems are operating properly.

During yesterday's hearing in the Judiciary Committee, Secretary of Homeland Security Kirstjen Nielsen committed to working with me to strengthen the Federal-State cooperation on emergency alerts, assess potential failures, and improve overall readiness in Hawaii and across our country.

The FCC is also conducting an investigation into what happened.

The entire Nation will benefit if these key Federal agencies work with States to close gaps in training and communication, institute best practices, and ensure that our States and local governments have the appropriate resources to prevent this kind of occurrence from happening again.

This false alert also clarified the importance of strong coordination between the State government and our military. Over the weekend, I also spoke with Admiral Harris of Pacific Command about ways to strengthen this coordination, particularly during a period of heightened tensions with North Korea. The fact that the people in Hawaii immediately assumed that the missile originated from North Korea speaks to the broad concern about the potential for conflict and the threat that North Korea poses to our State and the rest of the country.

We need to support and strengthen diplomatic efforts regarding North Korea because at a time, as I mentioned, of heightened tension between the United States and North Korea, the potential for miscalculations increases.

The President, rather than engaging in a tit-for-tat with Kim Jong Un, should be supporting Secretary of State Rex Tillerson's efforts to engage in meaningful diplomacy and marshal the support of our allies to diffuse tensions with North Korea.

I spoke earlier with Secretary of Defense James Mattis to emphasize the urgency of resolving this situation peacefully, knowing that he had just

returned from a multinational meeting with a number of key allies, including Japan and South Korea. This meeting was to focus on North Korean provocations. This meeting was cosponsored by the Secretary of State, Rex Tillerson, in Vancouver. Secretary Mattis was at that meeting to provide a military perspective. In our conversation, he reiterated to me the importance of strong diplomatic efforts to resolve tensions with North Korea.

I call on the President to support these kinds of initiatives and to give Secretary Tillerson all the resources he needs to succeed in his diplomatic endeavors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### TRIBUTE TO ROBERT DOLE

Mr. MORAN. Mr. President, we had a very special day in the Capitol this afternoon, and I am grateful that we as a nation were able to honor Senator Robert Dole by presenting him with the Congressional Gold Medal. It is the highest civilian honor the United States can bestow.

Senator Dole joins a list of very esteemed Americans going back to 1776, with President George Washington as the first recipient of this award. The Gold Medal shows our highest expression of national appreciation for distinguished achievements and contributions, and Senator Dole is such a deserving recipient of this award. It was a real honor and pleasure for me to be there to see this take place.

Senator Dole is known, obviously, as a former Member of the Senate, a majority leader, and a Presidential candidate, but I would put at the top of my list of the attributes that I admire and respect Senator Dole's service in our military.

Senator Dole joined the Army shortly after the attack on Pearl Harbor. He was 21 years old and left Russell, KS, and ended up on a battlefield in the hills and mountains of Italy. He suffered for 9 hours after being hit by a Nazi bullet that did tremendous damage to his body and to his life. But that wasn't the end, as it could be for some people—even if people continued to live after these traumatic injuries. This was a recovery process that began that day for Senator Dole.

I once heard a story about Bob Dole's commitment to our country, and it stuck with me. There are lots of Dole stories, particularly in Kansas. Bob Dole used his injuries to learn about caring—not for himself but for others. His service in World War II—again, what I greatly admire and esteem—also resulted in his effort to raise money, with no taxpayer dollars involved, to build the World War II Memorial that is now on the National Mall. Senator Dole took that task on and made certain that happened for his soldiers and fellow colleagues who served in World War II. He went out and raised money across the country. He was out in Hollywood, CA, and he was visiting with

one of those people who have lots of money. Senator Dole asked for that person's support for this project, and he was told by that wealthy person that he was not interested. "I have other priorities." Senator Dole responded to that mogul: "When I was 22, I had other priorities, too. I went to war." That is the Bob Dole who every day since then has gone to battle on behalf of Americans, other Kansans, and people across our country.

His service in many ways began with his military service but has continued every day since his days in the 10th Mountain Division. During his nearly 36 years on Capitol Hill, Senator Dole became known as the leader who worked relentlessly to forge alliances and to pass significant legislation. Today, he serves as a role model for those of us involved in this legislative process. We ought to be fully engaged in the kind of public service that Senator Dole represented. Senator Dole has used his experiences to be a champion every day for those individuals with disabilities and for veterans.

Coming from Kansas, he had an appreciation for those who were in need of food. Senator Dole grew up in the Depression and knew tough times, but it became a goal for him to see that people who were hungry were fed. It is one of the reasons I continue to chair and work in the Senate Hunger Caucus. Kansas is a place where we raise a lot of food but recognize there are a lot of people who are still hungry. We have a role that we can play, and Senator Dole provided the leadership to accomplish that.

I now occupy this desk. It is kind of an amazing development, but this is the desk that Senator Dole had on the Senate floor during his time here, and this desk allows me to be reminded of the type of public service that too often we think is a thing of the past. It doesn't have to be a thing of the past; it could be a thing of the present. And each of us can use that role model to make certain that in our day, we do the things necessary to bring people together and to find solutions to common problems.

There probably is no one living from Kansas more admired and respected than Senator Bob Dole. For three decades, he was our Congressman and our Senator.

He grew up just down the road in Russell, KS, just a few miles from my hometown. I have seen what continues today to be the love and respect of Kansans—particularly those from small towns and particularly those from his hometown of Russell—and their regard for him. We ought to work every day to honor his legacy.

I think there is something about growing up in smalltown America. There are differences of opinions in small towns. There are Republicans and Democrats in communities across Kansas, and there are people who go to this church and that church, but when you are in a small town, you have no

choice but to figure out how to get along and how to solve problems and how to work together. Bob Dole brought that Kansas common sense and good will and desire to have achievements instead of a fight to the U.S. Senate.

I honor Senator Dole for his military service and for his public service as an elected official of our government. I thank him for his efforts on behalf of veterans, on behalf of people with disabilities, and on behalf of people who are hungry.

I ask my colleagues, in honoring Senator Dole by presenting him a medal today, that that is not all we do; that we honor his work by doing ours better.

I have been with Senator Dole at the World War II Memorial. When Honor Flights come to Washington, DC, he is there. He is there almost every time a Kansas group comes to the World War II Memorial, but he is there when almost any group of World War II veterans come to visit the World War II Memorial. I have watched the way they respond to him, and the mutual respect between him and fellow veterans is inspiring and unparalleled.

I am a firm believer that we change the world one person at a time and one soul at a time, and Bob Dole has been making that difference—changing lives for 94 years.

Thank you, Senator Dole, for your distinguished service to our country and especially to our home State of Kansas. The world is a better place because you are in it, and we hope you take great satisfaction by knowing that your colleagues in Congress today honor you with the Congressional Gold Medal because it reflects the truth of what a high-quality person of character you are.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

#### REMEMBERING JAMES WILLIAM MEEKS

Mr. DURBIN. Mr. President, it is with a heavy heart that I share the news that Deacon James William Meeks passed away last Christmas Eve at his home in South Holland, IL. A longtime resident of the Chicagoland area, he was 90 years old.

James William Meeks was born and raised in the Mississippi Delta town of Carrolton. Before moving to Chicago, James worked as a short-order cook at a hotel in Mississippi. One day, he met a young lady by the name of Esther

Mae Smith, who also worked in the hotel. They fell in love and, in 1947, married at the courthouse on their lunch break.

When James and Esther migrated north to Chicago, he found work at Kentile Floors as a forklift operator—a job he would hold for the next four decades—but his true passion was an unwavering devotion to his faith. In 1957, James became a deacon at the Shiloh Missionary Baptist Church and later helped his son, Pastor James T. Meeks, get his start as a preacher at Salem Baptist Church. Deacon Meeks was a father figure to the entire community, and his powerful handshake, from years of farm and manual labor, served as a reminder to the youth at Salem Baptist that, if they were planning on hanging around street corners, getting into trouble, he would be watching.

Whether it was at Salem Baptist Church or the streets of Chicago, Deacon Meeks inspired so many young people to preach and simply do good deeds. It has been said that, when you heard Deacon Meeks' sermons, "you knew that the life that was behind the prayer, matched the words that were in the prayer." As a child, his son James recalled riding in the car with his family one Sunday morning. They were on their way to church, when his father noticed a woman stranded on the side of the road. Without hesitation, Deacon Meeks, in his Sunday suit, pulled over to lend a helping hand and fixed the woman's car. Grateful for his kindness, the woman offered Deacon Meeks some money. He politely declined. James and his siblings began yelling out the window, urging their father to take the money. When Deacon Meeks got back into the car, he shared a simple, but powerful message with his children: "You don't do everything for money." Deacon Meeks was a man of rock-solid values.

I want to offer my prayers and condolences to Deacon Meeks' wife of more than 70 years, Esther; their four children; Annie, James, Delores, William; their 10 grandchildren; 15 great grandchildren; and 1 great-great-grandchild. That is a legacy in which to be proud.

I will close with this: It was said at Deacon Meeks' memorial service, "It's lucky to have somebody who makes it hard to say goodbye." Well, it is hard to say goodbye to Deacon Meeks today, but I count myself lucky to have known him as a friend. Deacon James William Meeks will be missed.

#### TRIBUTE TO JOEL WEISMAN

Mr. DURBIN. Mr. President, today I want to say a few words about a Chicago icon—and one of the most admired journalists on television—Joel Weisman. This Friday will be the 40th anniversary of WTTW-Channel 11's longest running show, "Chicago Tonight: The Week in Review," and it will be Joel's farewell broadcast.

Since 1978, Joel has beamed into Chicago's living rooms to help us all digest

the news of the week. Throughout the series' four decades, Joel was there every step of the way: Joel has been with WTTW since 1973, starting as its political editor and commentator on "The Public News Center." A lifelong Chicagoan and graduate of the University of Illinois and Chicago-Kent College of Law, Joel has dedicated his career to informing the people of Chicago.

Every Friday night, Joel has welcomed fellow journalists to a roundtable discussion on the critical topics of the week. Oftentimes with humor, Joel has been Chicago's self-described "reporter, editor, traffic cop, and referee." He just has one simple rule: The panelists have to be nonpartisan and diverse. Today, unfortunately, this is hard to find on television, but as he said in his retirement announcement, "No one in journalism has been given the trust and editorial control of a show for that length of time." There is a reason he has been in that chair for 40 years. Joel Weisman has class and is a man of integrity. He insists the show represents just that. Well, I am here today to say, it absolutely does. Joel Weisman is a true newsman.

Joel Weisman has had an amazing career. Prior to joining WTTW, Joel worked for the Gary Post-Tribune, the former Chicago American, Chicago Sun-Times, and was a Midwest correspondent for the Washington Post. His work earned him Emmy, Peter Lisagor, Jacob Scher, and Associated Press awards. He has been inducted into the Silver Circle of the Chicago/Midwest chapter of the National Academy of Television Arts and Sciences. That is not all. Joel Weisman also has been nominated twice for the Pulitzer Prize for his investigative reporting. If you think there is nothing more Joel can fit into his incredibly busy schedule, you are wrong. In addition to being a fulltime journalist, he also runs a fulltime law practice that specializes in media talent representation.

I want to congratulate Joel Weisman on his distinguished career and thank him on behalf of the city he loves for his outstanding work and service to the Chicagoland area. He loves Chicago, and Chicagoans love him. Although he is retiring, Joel is not staying out of the political conversation. He will continue his service to his community and work as an attorney, focusing on media law. I am heartened that Joel will remain a powerful voice in the community, and I wish him and his family all the best.

#### ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notifica-

tion of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, Room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-61, concerning the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services estimated to cost \$500 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

GREGORY M. KAUSNER,  
(for Charles W. Hooper, Lieutenant  
General, USA, Director).

Enclosures.

TRANSMITTAL NO. 17-61

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kingdom of Saudi Arabia

(ii) Total Estimated Value:  
Major Defense Equipment\* \$0 million.  
Other \$500 million.  
Total \$500 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): None.

Non-MDE: Continued participation, technical assistance, and support in the Patriot Legacy Field Surveillance Program (FSP); the Patriot Advanced Capability 3 (PAC-3) FSP; and the Patriot Engineering Services Program (ESP). Also included are Patriot and HAWK Missile System spare parts and repair and return management services and component repairs, and other related elements of logistics and program support.

(iv) Military Department: Army (SR-B-ZAT, ZAS, BDN A2, WAK AS, and subsequent cases).

(v) Prior Related Cases, if any: SR-B-UAJ Al.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: January 17, 2018.

\*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia—Continuation of Missile System Support Services

The Government of the Kingdom of Saudi Arabia has requested a possible purchase for continued participation, technical assistance, and support in the Patriot Legacy Field Surveillance Program (FSP); the Patriot Advanced Capability 3 (PAC-3) FSP;

and the Patriot Engineering Services Program (ESP). Also included are Patriot and HAWK Missile System spare parts and repair and return management services and component repairs, and other related elements of logistics and program support. The total estimated program cost is \$500 million.

This proposed sale will support U.S. foreign policy and national security objectives by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic growth in the Middle East. This potential sale is a continuation of current support. Saudi Arabia will have no difficulty absorbing this equipment and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors are Lockheed Martin, Bethesda, MD for the FSP and Raytheon Company, Andover, MA for the ESP. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the permanent assignment of any U.S. Government or contractor representatives to Saudi Arabia. Support teams of 4-10 people will travel to the country on a temporary basis for 1-3 weeks at a time.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17-61

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Patriot Legacy and PAC-3 FSP programs assist international customers to maintain the readiness of their systems. These programs include the shared programs and country unique costs such as the Stockpile Reliability Test (SRT) and Missile Recertification programs. Services include the storage and aging program, surveillance firing program, the Patriot PAC-3 Missile Support Center (P3MSC), program support and a parts library.

2. As a participating international partner in the Patriot Engineering Services Program (ESP), Saudi Arabia is granted access to information such as engineering changes in development and under consideration, schedules for important events such as procurement and fielding of Patriot system improvements, development of Post Deployment Build (PDB) software, and a comprehensive program to address the issue of loss of sources of supply and advanced technology and their impact on availability of components. The program provides funding for the publication effort to incorporate country specific changes to Technical Manuals (TM). Preparation of all necessary Country specific TM change pages based on the latest version of the USG Department of Army Technical Manuals (DATMs) that support PDB requirements and the existing Repair Parts and Special Tools Lists (RPSTLs). Tasks include technical writing, illustrating, editing and quality review of all changes in accordance with Technical Information Operating Procedures (TIOPS). Organizational Maintenance, Intermediate maintenance and repair parts are covered. Preparation of change pages documenting any upgrades to the existing manuals. These manuals shall include and document any configuration changes as identified resulting in a new manual. Examples of country specific tasks include country unique communication studies and analysis, specialized training for operations and maintenance personnel for new

versions (builds) of system software, power generation trade studies, country unique publications, and in country technical and logistical support for system modifications.

3. Increasing Patriot and Hawk spares support provides Saudi Arabia the capability to sustain and bolster missile system operations through the purchase of spares, consumable repair parts, support equipment, supplies, and maintenance. Included is support for the procurement and transportation of classified parts that are part of Saudi Arabia's current Patriot and Hawk Missile System configurations, with a highest classification of CONFIDENTIAL.

4. If a technologically advanced adversary obtains knowledge of the specific hardware and software source code in this proposed sale, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Saudi Arabia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal are authorized for release and export to the Kingdom of Saudi Arabia.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MARK COURNOYER

• Ms. HASSAN. Mr. President, it is my pleasure to announce our Granite Stater of the Month for January, Mark Cournoyer, of Jaffrey, NH. Mark embodies New Hampshire's all-hands-on-deck spirit, where we work together and do what we can to strengthen our communities. In Mark's case, he has dedicated himself to making our roads safer by educating drivers, particularly new drivers, about the serious danger and potentially tragic consequences of distracted driving.

A former police officer and emergency medical technician in Fitzwilliam and Jaffrey and now a fourth-generation director of the Cournoyer Funeral Home, Mark volunteers his time to helping prevent the kind of accidents that he has responded to for years. Mark delivers presentations at area driver's education classes and local schools, sharing statistics behind distracted driving, as well as telling real stories about the outcomes of distracted driving with the hope that he can help keep the young people he meets safe.

According to the Centers for Disease Control and Prevention, about nine people are killed and more than 1,000 injured every day in the United States as a result of distracted driving. Anything that takes a driver's attention off of the road—texting, eating, reading, or looking for objects—can result in a tragic accident. Mark's efforts are critical to reducing the all-too-common practice of distracted driving, and his dedication to improving public safety can help save lives in his community and across New Hampshire.

In towns and cities across New Hampshire, many of our citizens go above and beyond to look out for one another and make their communities safer. Mark Cournoyer has done just that, volunteering his own time and wisdom to making our roads safer and helping to prevent more accidents from distracted driving. It is an honor to recognize him as our Granite Stater of the Month and join him in raising awareness about this important issue.●

##### TRIBUTE TO MIAMI-DADE COUNTY TEACHER OF THE YEAR FINALISTS

• Mr. RUBIO. Mr. President, I would like to have printed in the RECORD an article that was published in today's Miami Herald, "What makes a classroom click? Meet four great teachers who make it happen," and recognize the finalists for the annual Miami-Dade County Teacher of the Year contest. I wish them, and all nominated teachers from around the State the best of luck and commend their hard work and dedication to Florida's students.

The material follows:

WHAT MAKES A CLASSROOM CLICK? MEET  
FOUR GREAT TEACHERS WHO MAKE IT HAPPEN  
(By Kyra Gurney)

What's the secret to being a great teacher? The four finalists for Miami-Dade's annual Teacher of the Year contest—chosen from the county's roughly 18,000 public school teachers—have some ideas.

Inspiring students takes passion, hard work and perseverance, they said. Above all, a great teacher finds a way to connect with each child as an individual, not as a test score.

The winner of the 2019 Francisco R. Walker Miami-Dade County Teacher of the Year will be announced on Jan. 25 along with the rookie teacher of the year. The awards dinner will be held at 6 p.m. at the DoubleTree by Hilton Miami Airport & Convention Center at 711 NW 72nd Ave. The winner will compete for the state title.

Here are the finalists:

NORTH REGION: MOLLY WINTERS DIALLO,  
ALONZO AND TRACY MOURNING SENIOR HIGH

Molly Winters Diallo grew up in a family of teachers, so going into education "felt like it was the natural route to take," she said.

Her first teaching job was at a private school in the British Virgin Islands. In the early 2000s, Winters Diallo moved to Miami because she wanted to teach in the Haitian community. She spent five years at Miami Edison Senior High before transferring to Alonzo and Tracy Mourning Senior High, where she teaches Advanced Placement Human Geography and Psychology and Honors U.S. History.

Winters Diallo said she encourages every student to take advanced classes, like the college-level Advanced Placement courses she teaches.

"I believe that regardless of students' backgrounds, they should be able to take advanced coursework and they should see college as an attainable goal," she said.

In 2016, Winters Diallo was selected as a Bezos Educator Scholar—one of 12 teachers chosen nationwide to participate in a leadership program funded by the Bezos Family Foundation, which was created by the parents of Amazon founder Jeff Bezos. As part

of the program, Winters Diallo and a student created "Branch Out" at Alonzo and Tracy Mourning Senior High, an effort that brings together students from diverse backgrounds who might not ordinarily socialize. At one "Branch Out" event, students wore masks and wrote how society views them on the outside of the mask and how they view themselves on the inside.

"I try to create a welcoming environment for my students and a safe place," Winters Diallo said. "I want my students to feel comfortable in my classroom and express themselves."

Winters Diallo was excited to learn that one of her former students, Karen Fernandez, won rookie teacher of the year at Melrose Elementary School in Miami this year.

"This is coming full circle, and it's a beautiful thing," she said.

CENTRAL REGION: AARON TAYLOR, HENRY E.S. REEVES ELEMENTARY

Aaron Taylor was working on a degree in criminal justice when he started substitute teaching to make some extra money. At the time, Taylor planned to join the FBI or the Secret Service after he finished his degree.

But Taylor quickly became a popular sub and before he knew it, he had a teaching gig lined up for every day of the week. After seeing him in action, one school principal encouraged Taylor to become a full-time teacher.

"It was like I had this gift," he said. "I fell in love with it."

Taylor went on to get two master's degrees, one in educational leadership and one in special education, and certifications in gifted education and English for Speakers of Other Languages (ESOL).

"You never know what kind of student you're going to get so I try to prepare myself to deal with all types of students," he said.

Taylor currently teaches fourth-grade reading and language arts at Henry E.S. Reeves Elementary. He also serves as the school's site director for the 5000 Role Models of Excellence Project, a mentoring program for at-risk boys. Taylor participated in the program when he was a student at Miami Central Senior High and said it had a positive impact on his life. Now, he's planning college tours for the students he mentors.

Taylor said it's important to show each child in his class that he cares about them. He makes a point of eating lunch with his students—and not talking about schoolwork.

"They're not just a test score," he said. When a student knows his or her teacher cares, "everything else follows."

SOUTH REGION: KATINA PERRY-BIRTS, FLORIDA CITY ELEMENTARY

Katina Perry-Birts didn't set out to be a teacher, but an experience volunteering in her son's kindergarten class sparked an interest in education.

"Hey, I can do this and impact the students," she remembers thinking. "It reminded me what I learned at an early age about the power of education."

That was roughly 20 years ago. Perry-Birts first worked as a substitute teacher for five years before completing her education degree in 2005. Then she got a job at Florida City Elementary, where she has taught ever since.

Many of her fourth-grade students face significant challenges at home, Perry-Birts said. More than 95 percent of the children at Florida City Elementary are low-income. Perry-Birts said she tries to instill in her students the power of change and teach them that they don't have to be a product of their environment.

In her classroom, the mantra is a Muhammad Ali quote: "Impossible is just a big word thrown around by small men who find it

easier to live in the world they've been given than to explore the power they have to change it."

"I embed that in my students," Perry-Birts said. "I tell my kids that on a daily basis."

She also works with Real Men Read, a national program that recruits men from the community to read to students. Recent guests at Florida City Elementary included a congressional staffer and a clergyman.

For Perry-Birts, teaching isn't just about learning gains. She also tries to develop a personal connection with her students.

"You've got to have a heart and a passion for the kids," she said. "You have to have that passion and if you have that passion, you can motivate them."

ALTERNATIVE EDUCATION: JUDY RODRIGUEZ, C.O.P.E. CENTER NORTH

Judy Rodriguez's previous job could not have been more different. Before she became a Miami-Dade teacher, Rodriguez worked in the pharmaceutical industry as a quality assurance auditor, ensuring that batches of medication were safe to release.

Then Rodriguez had a son and her whole world changed. When she started looking for a daycare, she came to a frightening realization.

"It was like an awakening for me that I was going to have to trust somebody with my child," she said.

Rodriguez started teaching business part time for an adult education program before becoming a full-time business teacher at Miami Northwestern Senior High. Along the way, she's carried that realization with her. "I've always tried to treat my students as I would want my son to be treated," she said.

For the past eight years, Rodriguez has taught at C.O.P.E. Center North, a school that serves teen moms and pregnant teens. She currently teaches entrepreneurship, English for Speakers of Other Languages (ESOL) and on-the-job training.

"It's extremely challenging, but it's extremely rewarding because you're impacting two generations simultaneously," she said.

The best part about her job, she added, is "when you ignite their fire for learning."

One of her students, a teen mom with a baby, recently traveled to New York to compete in a national business plan competition. When the student placed 12th, Rodriguez was worried that she would feel discouraged. But the experience had the opposite effect.

"Miss, so now what's next? 'Shark Tank?'" she asked Rodriguez after the contest, referring to the entrepreneurship TV show.

"My heart was full because she got it," Rodriguez said. "There's always something next."●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Cuccia, one of his secretaries.

#### PRESIDENTIAL MESSAGES

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 12947 WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 24

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days before the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process declared in Executive Order 12947 of January 23, 1995, is to continue in effect beyond January 23, 2018.

The crisis with respect to grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I have, therefore, determined that it is necessary to continue the national emergency declared in Executive Order 12947 with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the sanctions against them to respond to this threat.

DONALD J. TRUMP.  
THE WHITE HOUSE, January 17, 2018.

#### MESSAGE FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 117. An act to designate a mountain peak in the State of Montana as "Alex Diekmann Peak".

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 770. An act to require the Secretary of the Treasury to mint coins in recognition of American innovation and significant innovation and pioneering efforts of individuals or groups from each of the 50 States, the District of Columbia, and the United States territories, to promote the importance of innovation in the United States, the District of Columbia, and the United States territories, and for other purposes.

H.R. 1107. An act to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes.

H.R. 1532. An act to reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes.

H.R. 2897. An act to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes.

H.R. 4318. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty.

The message also announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 3, 2017, the Speaker appoints the following Member on the part of the House of Representatives to the Japan-United States Friendship Commission: Mr. HILL of Arkansas.

#### ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) announced that on today, January 17, 2018, he has signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 984. An act to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

H.R. 4641. An act to authorize the President to award the Medal of Honor to John L. Canley for acts of valor during the Vietnam War while a member of the Marine Corps.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 770. An act to require the Secretary of the Treasury to mint coins in recognition of American innovation and significant innovation and pioneering efforts of individuals or groups from each of the 50 States, the District of Columbia, and the United States territories, to promote the importance of innovation in the United States, the District of Columbia, and the United States territories, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1107. An act to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1532. An act to reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 2897. An act to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4318. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty; to the Committee on Finance.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2311. A bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4041. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Report on Contractual Flow-Down Provisions in the Federal Acquisition Regulations (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS)"; to the Committees on Armed Services; and Appropriations.

EC-4042. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Alan R. Lynn, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4043. A communication from the Senior Official performing the duties of the Assistant Secretary of the Navy (Manpower and Reserve Affairs), transmitting, pursuant to law, a report on the mobilizations of selected reserve units, received in the Office of the President of the Senate on January 10, 2018; to the Committee on Armed Services.

EC-4044. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Establishment of TRICARE Select and Other TRICARE Reforms" (RIN0720-AB70) received in the Office of the President of the Senate on January 16, 2018; to the Committee on Armed Services.

EC-4045. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Treatment of Certain Communications Involving Security-Based Swaps That May Be Purchased Only By Eligible Contract Participants" (RIN3235-AL41) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4046. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Investment Advisers Act Rules to Reflect Changes Made by the FAST Act" (RIN3235-AM02) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4047. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Deputy Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Streamlining Administrative Regulations for Multifamily Housing Programs and Implementing Family Income Reviews Under the Fixing America's Surface Transportation (FAST) Act" (RIN2577-AJ36) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4048. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustments to Civil Monetary Penalty Amounts" (Release Nos. 33-10451; 34-82455; IA-4842; and IC-32963) received in the Office of the President of the

Senate on January 10, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4049. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to operation of the Exchange Stabilization Fund (ESF) for fiscal year 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-4050. A communication from the Program Specialist (Paperwork Reduction Act), Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AE30) received in the Office of the President of the Senate on January 9, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4051. A communication from the Senior Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Inflation Adjustments" (12 CFR Part 1083) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4052. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report relative to additional fiscal year 2018 funding for the Office of Terrorism and Financial Intelligence; to the Committee on Banking, Housing, and Urban Affairs.

EC-4053. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iraq Stabilization and Insurgency Sanctions Regulations" (31 CFR Part 576) received during adjournment of the Senate in the Office of the President of the Senate on January 2, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4054. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List" (FRL No. 9973-00-OLEM) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2018; to the Committee on Environment and Public Works.

EC-4055. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Texas" (FRL No. 9972-28-Region 6) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2018; to the Committee on Environment and Public Works.

EC-4056. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment Rule" (FRL No. 9972-92-OECA) received in the Office of the President of the Senate on January 9, 2018; to the Committee on Environment and Public Works.

EC-4057. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Rhode Island; Enhanced Motor Vehicle Inspection and Maintenance Program; Withdrawal of Direct Final Rule" (FRL No. 9972-87-Region 1) received in the Office of the President of the Senate on January 9, 2018; to the Committee on Environment and Public Works.

EC-4058. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; NH; Approval of Recordkeeping and Reporting Requirements and Single Source Order; Withdrawal of Direct Final Rule" (FRL No. 9972-90-Region 1) received in the Office of the President of the Senate on January 9, 2018; to the Committee on Environment and Public Works.

EC-4059. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Rights of Way; Removal of Incorporation by Reference" (RIN1024-AE42) received in the Office of the President of the Senate on January 9, 2018; to the Committee on Energy and Natural Resources.

EC-4060. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Grid Security Emergency Orders: Procedures for Issuance" (RIN1901-AB40) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Energy and Natural Resources.

EC-4061. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "General Regulations; Areas of the National Park System; Free Distribution of Other Message-Bearing Items" (RIN1024-AE42) received in the Office of the President of the Senate on January 9, 2018; to the Committee on Energy and Natural Resources.

EC-4062. A communication from the Chairman of the Southeast Compact Commission for Low-Level Radioactive Waste Management, transmitting, pursuant to law, the Commission's 2014-2015 and 2015-2016 Annual Reports, including the Annual Commission Audits; to the Committee on Energy and Natural Resources.

EC-4063. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Assessment of Solid-State Lighting, Phase Two"; to the Committee on Energy and Natural Resources.

EC-4064. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Monetary Penalties" (10 CFR Parts 207, 218, 429, 431, 490, 501, 601, 820, 824, 851, 1013, 1017, and 1050) received in the Office of the President of the Senate on January 11, 2018; to the Committee on Energy and Natural Resources.

EC-4065. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Resolution 22-285, "Sense of the Council Calling on Congress to Remove the Albert Pike Statue Resolution of 2017"; to the Committee on Energy and Natural Resources.

EC-4066. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Charges for Use of Government Lands in Alaska" (Docket No. RM16-19-000) received in the Office of the President of the Senate on January 16, 2018; to the Committee on Energy and Natural Resources.

EC-4067. A communication from the Acting Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the re-

port of a rule entitled "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule" (RIN1004-AE52) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2017; to the Committee on Energy and Natural Resources.

EC-4068. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2018-5" (Rev. Proc. 2018-5) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Finance.

EC-4069. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Transition Rule from Notice 2010-46" (Notice 2018-05) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Finance.

EC-4070. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Domestic Production Gross Receipts" (Rev. Rul. 2018-03) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Finance.

EC-4071. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Estate of George H. Bartell, Jr. v. Commissioner, 147 T.C. 140 (2016)" (AOD 2017-06) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Finance.

EC-4072. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 965" (Notice 2018-07) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Finance.

EC-4073. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election Out of the Centralized Partnership Audit Regime" ((RIN1545-BN77) (TD 9829)) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Finance.

EC-4074. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Dates for Four Body System Listings" (RIN0960-A117) received during adjournment of the Senate in the Office of the President of the Senate on January 2, 2018; to the Committee on Finance.

EC-4075. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to Japan and Singapore to support the establishment of an F135 propulsion system Final Assembly and Checkout (FACO) facility in Japan, in the amount of \$50,000,000 or more (Transmittal No. DDTC 17-050); to the Committee on Foreign Relations.

EC-4076. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(d) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including tech-

nical data and defense services to the Republic of Korea to support the manufacture, integration, installation, operation, maintenance, and repair of the AN/APX-113/125/126 Combined Interrogator Transponders (CITs), the AN/APX-117/123 Common Transponders (CXPs), the AN/UPX-37/41 Digital Interrogators (DIs) and the AN/OPX-7 Reduced Size Transponders (RST) (Transmittal No. DDTC 17-071); to the Committee on Foreign Relations.

EC-4077. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to the United Kingdom to support the design, development, engineering, production, assembly, testing, repair, rework, maintenance, modification, operation, and processing of components and parts for integration into the TOW Missile System in the amount of \$100,000,000 or more (Transmittal No. DDTC 17-083); to the Committee on Foreign Relations.

EC-4078. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to Israel for the installation, integration, testing, operation, and maintenance for the UNISIG R-Series Barrel Processing Cell and other related tooling and accessories for the production of barrel blanks for 5.56mm, 7.62mm, and 9mm rifles (Transmittal No. DDTC 17-086); to the Committee on Foreign Relations.

EC-4079. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(d) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to Japan to support the manufacture of Liquid Propellant Rocket Engines (Transmittal No. DDTC 17-090); to the Committee on Foreign Relations.

EC-4080. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(d) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to the United Kingdom to support the manufacture of Liquid Propellant Rocket Engines (Transmittal No. DDTC 17-091); to the Committee on Foreign Relations.

EC-4081. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of blank rifle barrels of multiple calibers to Canada in the amount of \$1,000,000 or more (Transmittal No. DDTC 17-097); to the Committee on Foreign Relations.

EC-4082. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of firearms abroad controlled under Category I of the United States Munitions List of 7.62mm fully automatic machine guns and spare barrel assemblies to Latvia in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-4083. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to Canada to

support the manufacture, integration, installation, operation, and testing of various firearms and silencer parts (Transmittal No. DDTC 17-101); to the Committee on Foreign Relations.

EC-4084. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(d) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to Japan for the collaboration of the manufacture of the Multi Service - Standard Guided Projectile for end-use by the Japan Ministry of Defense (Transmittal No. DDTC 17-113); to the Committee on Foreign Relations.

EC-4085. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services to Australia to support the installation, checkout, test, retrofit, requirements verification, acceptance, operation, maintenance, and logistical support of MESA Radar/IFF subsystems and Follow-On Sustainment Support Services (FOSSS) for the Royal Australian Air Force in the amount of \$100,000,000 or more (Transmittal No. DDTC 17-116); to the Committee on Foreign Relations.

EC-4086. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Adjustments of Civil Monetary Penalties for Inflation" (RIN1801-AA17) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-4087. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-228, "Ballpark Fee Forgiveness Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-4088. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-229, "Homeless Services Reform Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-4089. A communication from the Special Counsel, United States Office of the Special Counsel, transmitting, pursuant to law, the Office of the Special Counsel's Performance and Accountability Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-4090. A communication from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-4091. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General and a Management Report for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-4092. A communication from the Acting General Counsel, General Services Administration, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, General Services Administration, received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-4093. A communication from the Acting Director and General Counsel, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations" (RIN3209-AA38) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-4094. A communication from the General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Minimum Technical Standards for Class II Gaming Systems and Equipment" (RIN3141-AA64) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2018; to the Committee on Indian Affairs.

EC-4095. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Trademark Classification Changes" (RIN0651-AD27) received in the Office of the President of the Senate on January 10, 2018; to the Committee on the Judiciary.

EC-4096. A communication from the Deputy Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Harmonize and Streamline Part 20 of the Commission's Rules Concerning Requirements for Licenses to Overcome a CMRS Presumption" ((WT Docket No. 16-240) (FCC 17-167)) received in the Office of the President of the Senate on January 10, 2018; to the Committee on Commerce, Science, and Transportation.

EC-4097. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the views of the Department on S. 1129, the "Coast Guard Authorization Act of 2017"; to the Committee on Commerce, Science, and Transportation.

EC-4098. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Monetary Penalties" (RIN3072-AC70) received in the Office of the President of the Senate on January 11, 2018; to the Committee on Commerce, Science, and Transportation.

EC-4099. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Modification of Subpart G, Section 0.701 of the Commission's Rules" (FCC 17-172) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2018; to the Committee on Commerce, Science, and Transportation.

EC-4100. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Advanced Methods to Target and Eliminate Unlawful Robocalls" ((CG Docket No. 17-59) (FCC 17-151)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2018; to the Committee on Commerce, Science, and Transportation.

EC-4101. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 11 of the Commission's Rules

Regarding Emergency Alert System" ((PS Docket No. 15-94) (FCC 17-170)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2018; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

\*Robert Hunter Kurtz, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

\*Brian D. Montgomery, of Texas, to be an Assistant Secretary of Housing and Urban Development.

\*Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

\*Randal Quarles, of Colorado, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2018.

\*David J. Ryder, of New Jersey, to be Director of the Mint for a term of five years.

By Mr. HATCH for the Committee on Finance.

\*Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services.

\*Kevin K. McAleenan, of Hawaii, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MCCASKILL (for herself, Mr. TESTER, Ms. HEITKAMP, and Ms. HARRIS):

S. 2314. A bill to increase the number of U.S. Customs and Border Protection Office of Field Operations officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ISAKSON (for himself and Mr. CASEY):

S. 2315. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved new drug application, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE:

S. 2316. A bill to amend the Agricultural Act of 2014 to make available to Native Americans who own horses for noncommercial use livestock indemnity payments and payments under the livestock forage disaster program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MARKEY (for himself, Mr. PAUL, Ms. HASSAN, and Ms. COLLINS):

S. 2317. A bill to amend the Controlled Substances Act to provide for additional flexibility with respect to medication-assisted

treatment for opioid use disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. BALDWIN (for herself and Mr. BROWN):

S. 2318. A bill to require the payment of user fees by qualified professional asset managers seeking an individual exemption from certain requirements; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 1364

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1364, a bill to establish within the Smithsonian Institution the National Museum of the American Latino, and for other purposes.

S. 1585

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1585, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 1653

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1653, a bill to provide for the overall health and well-being of young people, including the promotion of lifelong sexual health and healthy relationships, and for other purposes.

S. 1899

At the request of Mr. BLUNT, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 1899, a bill to reauthorize and extend funding for community health centers and the National Health Service Corps.

S. 2105

At the request of Mr. BOOZMAN, the names of the Senator from Maryland (Mr. VAN HOLLEN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2105, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 2152

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2152, a bill to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

S. 2203

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2203, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 2259

At the request of Mr. BOOKER, the name of the Senator from Massachu-

setts (Ms. WARREN) was added as a cosponsor of S. 2259, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, medication related to contraception, and for other purposes.

S. 2271

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2271, a bill to reauthorize the Museum and Library Services Act.

S. 2278

At the request of Ms. HEITKAMP, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to provide grants to improve health care in rural areas.

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2278, *supra*.

S. 2301

At the request of Ms. WARREN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2301, a bill to strengthen parity in mental health and substance use disorder benefits.

S.J. RES. 8

At the request of Mr. UDALL, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S.J. Res. 8, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 367

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 367, a resolution condemning the Government of Iran for its violence against demonstrators and calling for peaceful resolution to the concerns of the citizens of Iran.

S. RES. 368

At the request of Mr. CORKER, the names of the Senator from New Mexico (Mr. HEINRICH), the Senator from Colorado (Mr. GARDNER), the Senator from Montana (Mr. DAINES), the Senator from Oregon (Mr. MERKLEY) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. Res. 368, a resolution supporting the right of all Iranian citizens to have their voices heard.

AMENDMENT NO. 1879

At the request of Mr. WYDEN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 1879 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

AMENDMENT NO. 1880

At the request of Mr. WYDEN, the names of the Senator from New Mexico

(Mr. UDALL) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 1880 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

AMENDMENT NO. 1881

At the request of Mr. WYDEN, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Montana (Mr. DAINES), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of amendment No. 1881 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

AMENDMENT NO. 1882

At the request of Mr. WYDEN, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Montana (Mr. DAINES) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of amendment No. 1882 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

AMENDMENT NO. 1883

At the request of Mr. WYDEN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 1883 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

AMENDMENT NO. 1884

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from New Mexico (Mr. UDALL), the Senator from Montana (Mr. DAINES) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of amendment No. 1884 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

AMENDMENT NO. 1886

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from

New Mexico (Mr. UDALL), the Senator from Montana (Mr. DAINES) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of amendment No. 1886 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

## AMENDMENT NO. 1889

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from New Mexico (Mr. UDALL), the Senator from Montana (Mr. DAINES), the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of amendment No. 1889 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

## AMENDMENT NO. 1890

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from New Mexico (Mr. UDALL), the Senator from Montana (Mr. DAINES) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of amendment No. 1890 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

## AMENDMENT NO. 1892

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from New Mexico (Mr. UDALL) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 1892 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

## AMENDMENT NO. 1893

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from New Mexico (Mr. UDALL), the Senator from Montana (Mr. DAINES) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of amendment No. 1893 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve

and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

## AMENDMENT NO. 1895

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from New Mexico (Mr. UDALL) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 1895 intended to be proposed to S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. SULLIVAN. Mr. President, I have 12 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m., to conduct a hearing on the following nominations: Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System, Randal Quarles, of Colorado, to be a Member of the Board of Governors of the Federal Reserve System, Brian D. Montgomery, of Texas, and Robert Hunter Kurtz, of Virginia, both to be an Assistant Secretary of Housing and Urban Development, and David J. Ryder, of New Jersey, to be Director of the Mint, Department of the Treasury; to be immediately followed by a hearing to examine combating money laundering and other forms of illicit finance, focusing on Administration perspectives on reforming and strengthening Bank Secrecy Act enforcement.

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m., to conduct a hearing entitled "Terrorism and Social Media: Is big Tech Doing Enough?"

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m., to conduct a hearing entitled "America's Water Infrastructure Needs and Challenges: Federal Panel."

## COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m. to conduct a hearing on revision to the subcommittee assignments for the 115th Congress and on the following nominations: the Honorable Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services and Mr. Kevin K. McAleenan, of Hawaii, to be Commissioner of the United States Customs and Border Protection, Department of Homeland Security.

## COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m., to conduct a hearing on the following nominations: Dennis Shea, of Virginia, to be a Deputy United States Trade Representative (Geneva Office), with the rank of Ambassador, and C. J. Mahoney, of Kansas, to be a Deputy United States Trade Representative (Investment, Services, Labor, Environment, Africa, China, and the Western Hemisphere), with the rank of Ambassador.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSION

The Committee on Health, Education, Labor, and Pension is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m., to conduct a hearing entitled "Facing 21st Century Public Health Threats: Our Nation's Preparedness and Response Capabilities, Part I."

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m., to conduct a hearing entitled "Unintended Consequences: Medicaid and the Opioid Epidemic."

## COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m., to conduct a hearing entitled "Breaking New Ground in Agribusiness Opportunities in Indian Country."

## COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 10 a.m., to conduct a hearing entitled "The State of the VA: A Progress Report on Implementing 2017 VA Reform Legislation."

## SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, January 17, 2018, at 11:30 a.m., to conduct a hearing on the following nominations: Michael K. Atkinson, of Maryland, to be Inspector General of the Intelligence Community, and Jason Klitenic, of Maryland, to be General Counsel, both of the Office of the Director of National Intelligence.

## PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that my law clerk, Jeff Gary, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2017 fourth quarter Mass Mailing report is Thursday, January 25, 2018.

An electronic option is available on Webster that will allow forms to be submitted via a fillable pdf document. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations or negative reports can be submitted electronically or delivered to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Senate Office of Public Records is open from 9:00 a.m. to 6:00 p.m. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

## RAPID DNA ACT OF 2017—Continued

ORDERS FOR THURSDAY, JANUARY 18, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Thursday, January 18; further, that following the prayer and pledge, morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume consideration of the motion to concur in the House amendment to accompany S. 139; finally, that the time following leader remarks until 12:15 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators GRAHAM, FLAKE, and our Democratic colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

## DACA AND FUNDING OUR MILITARY

Mr. GRAHAM. Thank you, Mr. President.

I appreciate the majority leader allowing us to do this.

To the present Presiding Officer, thank you very much for trying to fix a difficult problem called immigration.

I am going to start with what drives my train the most. I want to fix a broken immigration system. There are

700,000, 800,000 DACA recipients who are going to go into chaos on March 5 if we don't do something.

As to the President, I think you were right to end this program and to give Congress the chance to fix it through the legislative process. I thought President Obama overreached through Executive action. You said March 5, we are going to replace DACA with legislation. The only way that works, Mr. President, is for you to help us and lead us to the right answer.

The one thing I can tell you that drives my train the most is rebuilding a broken military. We have an opportunity here to fix these problems: help the men and women in the military who have suffered mightily from sequestration, to get them more money at a time when they need it; to provide certainty to 800,000 young people who have no other country to call home than America; again, to repair a broken border, start transforming a broken immigration system, and marching to comprehensive reform in phase two.

The reason I am here tonight is I see an opportunity to do something we should have done years ago—increase defense spending consistent with the threats we face.

Here is what Defense Secretary Mattis said on June 12, 2017: "No enemy in the field has done more to harm the combat readiness of our military than sequestration." Congress has shot down more planes and sunk more ships by denying the military the assets they need to build new equipment, to replace old equipment, to keep people in the field in the fight, and other people trained and ready to go in the fight.

General Milley, the Chief of Staff of the Army, said: If we return to sequestration, the Army will be required "to draw down end-strength even further, reduce funding for readiness, and increase the risk of sending undertrained and poorly equipped Soldiers into harm's way." So this is the head of the Army saying: If we can't get our act together and increase military funding in a more permanent way, if we go back into sequestration, you are requiring me to increase the risk of sending undertrained and poorly equipped soldiers into harm's way. If that doesn't motivate you, what will?

General Goldfein said: "[P]ermanent relief from the Budget Control Act—with predictability funding—is absolutely critical to rebuilding Air Force capability, capacity, and readiness." We have lost a lot of capacity. Our readiness is at an alltime low because we are having to rob Peter to pay Paul to keep the planes in the air in the Air Force.

Navy Secretary Spencer said on October 28: The "Budget Control Act and cap sequestration has cost us between \$4 and \$5 billion dollars due to the starting and stopping of acquisition programs, the inability to start programs."

I could go through line by line what has happened under sequestration.

Sixty-two percent of the F/A-18s in the Marine Corps and the Navy can't fly because we don't have enough spare parts. We have a chance here to fix that problem.

To my Democratic colleagues, I am convinced you care about this too. I am convinced you will work with President Trump to increase military funding.

To the majority leader, Senator MCCONNELL, I want to thank him for putting a number on the table consistent with the problems we face in the military. It is \$130 billion over 2 years.

To my Democratic friends, I do expect you to get some nondefense spending increases because sequestration has hurt across the board. The NIH has been kept alive because of bipartisan efforts. The FBI will have less agents this year than they did in 2013 because of sequestration. The CIA, the NSA, all of these defense programs under the nondefense portion of the budget have suffered, and they need help too.

What I would like to do is to ask the Congress to stop the s-show and grow up. Act consistent with the greatness of this country. Find a way to work together on the layup.

If you are looking for political cover to deal with increased military funding, 70 percent-plus of the people believe we would need more military funding. If you are looking for political cover to deal with the DACA population, 82 percent of the public supports a pathway to citizenship for the DACA population. I can't find too many issues that poll like that.

This is a FOX News poll, which means it is true: 79 percent of Americans and 63 percent of Trump voters favor granting citizenship to illegal immigrants under 30 who were brought here as children. Sixty-three percent of Trump voters understand that we need border security, but they have no animosity toward these young people who came here at the age of 6, on average, and literally have lived their lives here with no place else to go.

Here is the good news. We would be crazy to want them to leave. If you have met any of these Dream Act kids, the last thing you would want them to do is to leave. There are bad people in every population. There are 900 people in the population of Dream Act, or DACA, kids who are in the military, and there are 20,000 teachers. So on March 5, I don't want someone to have to deal with the fact that a fifth-grade teacher who everybody likes has to leave the country. That is insane.

I know my Democratic colleagues will support more defense funding with the understanding that the Congress, through legislation, deals with the DACA problem. They are willing to put money into the system for border security. They are willing to make a down payment on changing our immigration system to more merit based.

At the end of the day, there is a deal to be had. It just needs to be done. The

reason this bipartisan group that I am a part of came about is because nobody was doing much of anything. I am not getting in anybody's way. We have had months to figure out what to do. Just a couple of weeks ago—less than a couple of weeks ago—the four whips of the House and the Senate began to work on this. To be honest with you, that is a bit late.

As for the President, we can't do this without you. This was one of the centerpieces of your campaign—immigration. President Obama tried and failed, and I appreciate his effort. President Bush tried and failed, and I appreciate what he did. I worked with both of them across the aisle to pass bills that went through the Senate with 60-plus votes, to only go to the House and die. I am tired of that scenario.

To my House colleagues, I know this is tough politics for you. But if President Trump can find a way to lead us to a solution, I think it will allow the House to finally act.

On Tuesday, we had an unusual meeting with the President of the United States for about 40 Members of the House and the Senate, from both sides of the aisle, and we spent 55 minutes on national TV, watching President Trump listen, cajole, and urge us to find a bipartisan solution. This is what he said Tuesday:

This should be a bill of love. Truly, it should be a bill of love and we can do that. . . . But it also has to be a bill where we are able to secure our border.

You are right, Mr. President, security and compassion are not inconsistent. As a matter of fact, you cannot have one without the other. Let's do phase one and go to comprehensive tomorrow. He urged us to come up with a bipartisan product, and he wants to sign it.

President Trump on Tuesday showed a command of issues, the right approach to a difficult problem, urging us to work together in a bipartisan fashion. He talked about security being essential, but he understood that compassion and love have to be part of this because these kids literally have no place to go. They have put their roots down in America. They were brought here by their parents. I don't believe President Trump wants to kick them out March 5.

To my friends at the White House, on January 4, we had a meeting of Republicans with the President, and I went over the bipartisan proposal that I was working on with Senators DURBIN, GARDNER, FLAKE, BENNET, and, later, Senator MENENDEZ. Nobody was surprised as to what we were doing. I said: This is a good position to start from. Can it be made better? Yes.

Senators TILLIS and LANKFORD have the SUCCEED Act. We met with them, and I think we adopted a lot of their good ideas. So at the end of the day, the Dream Act by Senators GRAHAM and DURBIN became more like the SUCCEED Act.

On Thursday at about 10, I get a phone call from Senator DURBIN: I just

talked to the President to let him know that we have reached an agreement.

On January 4, I said: We are 99 percent there.

Senator DURBIN called me and said: I had a good conversation with the President. He wants to hear what we have done. He is encouraged by it. I made a request to go to the White House.

General Kelly came over at about 11. I went through the proposal, which had been shared numerous times, and he said: What about this? What about that?

I said: It is all about getting the process started. General Kelly, we are not going to get comprehensive on our side for DACA. We are not going to give 11 million legal status and hope that someday we will deal with border security and merit-based immigration. We have to have a phase one that is a down payment on all four areas outlined by the President.

By the time we got there, at noon, there were more people at the meeting, and all I can say is that what happened between Tuesday and Thursday, I don't know, and between 10 and 12, I don't know, but it took us in the wrong direction.

The President whom I saw on Tuesday is the man who can close this deal and lead this country to get an answer that Obama and Bush could never get. We are where we are.

To my good friend, Senator PERDUE: I share your desire to replace chain migration with merit-based immigration. One day we will have a system where the nuclear family gets green cards, which will free up millions of green cards for a workforce we desperately need. The only way you will get that is to deal with the Democrats and give them what they are wanting out of this deal. They are not going to give us what we want the most—which is legal immigration, a secure border, and a merit-based immigration system, based on DACA—and let me tell you why. What leverage would they have with the 10 million illegal immigrants that they would like to see have a better life, too? Almost none.

To my colleagues on the other side, from the very first day that I sat down and talked to you, what did I tell you? I have no animosity toward the 11 million. I just don't want any crooks or bad people. Let's get them right with the law. Let's transition to a system where we do not do this every 20 years. Let's secure our border, increase legal immigration, have an E-Verify system that works, and put people in jail who are illegals in the future. Let's give the 11 million who can come out of the shadows and are not criminals a chance to get right with the law, by paying a fine, passing the English proficiency exam over time, getting at the back of the line of the country where they come from, and 10 years later they can apply for a green card—a pathway to citizenship that I think could be earned.

How did 11 million people get here? They did not sneak up on us. If you know anything about the economy in South Carolina, there is a lot of tourism, and it is a heavy service industry. If you go to a golf course in South Carolina, you will see beautiful golf courses maintained by good people, and you are going to see mostly Hispanics. If you go to a meatpacking plant in South Carolina, you are going to see people doing a job you wouldn't want, making a decent living, working really hard, and most of them are Hispanic.

How did this happen? Most of us looked the other way as people came to our country trying to better their lives—some crooks, some rapists, some drug dealers, but mostly really good people trying to improve their lot in life. All that I ask is that we fix this system once and for all so we don't have a third wave 20 years from now but that we deal with the reality that these people are here, and they have been here for a long time. And America always needs good people—not just from Norway but from all over the world.

We need a reliable partner at the White House. General Kelly I admire greatly. He lost his son in service to our Nation. He has been leading Marines in combat for decades. He is new to being chief of staff. He did a heck of a job creating order out of chaos. But at that meeting, he said something I take exception to: You have got to stop fiddling.

General Kelly, as much as I admire you, for 10 years I and many others in this body have been trying to find a way forward to fix an immigration system that is broken, to turn it into a merit-based immigration system over time, to get the 11 million right with the law, to increase legal immigration so employers don't have to cheat, and to make our Nation better and stronger. So I haven't been fiddling.

What I asked the White House is this: Find out what you are for. I can't read your mind.

This proposal just picked up support from more Republicans. We didn't write the Bible, but we gave the President his funding for fiscal year 2018 for the wall and security outside the wall. I don't believe we are going to get \$10 billion or \$20 billion funded in 1 year. I don't think that is possible.

We begin to break chain migration within the DACA population. We limit green cards to nuclear families, which is a down payment on a merit-based immigration system. We eliminate the diversity lottery because it is a bad way to give out visas, and we took those 50,000 visas and said: Why don't we do the following: Create a merit-based program for underserved countries, which are mostly in Africa. Here is what I believe: merit-based immigration all over the world, not just in Europe.

What has made us special and unique is that we come from everywhere. We are nobodies where we came from, and we can be a somebody here.

I have said a couple of times, and I will say it again: Norway is a great place. If you are from Norway, you are a Norwegian. If you are from America, what are you? You will not know us by the way we look. You will not know us by the way we talk, because DICK DURBIN has an accent. We talk differently, we look differently, but we have a lot in common, and out of the many we have become one.

In an effort to decide who comes to America in the future and to fix a broken immigration system, one thing I will never give in to is changing what it means to be an American. There are people from all over the globe dying to get here. We can't accept everybody, but we need to make sure that, as we go forward in the future, we do not forget our past.

Out of every country all over the globe, we have created something special here. Everybody has a story. My grandfather came from Scotland, Lindsey Graham, and could barely read or write. Neither one of my parents finished high school. And I am in the Senate, thanks to the good people of South Carolina. Everybody has a story. I don't want those stories to end. I want new chapters, one after another.

So to the President, what I saw Tuesday was a man that understood what America was all about, a leader who understood that bipartisanship must occur and understood that love and security are not mutually exclusive. What I find today is complete chaos.

To think that our Democratic colleagues are going to give us everything we want on the fence and hope that one day we will deal with the DACA population is a bit unrealistic—and count me in for being on your side there. I don't want to put these kids through any more hell. I don't want to wait until March 4. I want to go ahead and get it done now. We should have done it years ago.

I want to get a down payment on border security and change our immigration system, but we can't do it all at once, because everybody tells me comprehensive will not work. So let's figure out a way to chop it up in two parts. You have to start somewhere.

So here we are, trying to figure out what the hell to do. Let me tell you what we should do. We should listen to the American people. We should do what they want us to do, which is to take care of the DACA population, rebuild the military, and start fixing the broken immigration system.

If we just did what 70 percent of the American people want us to do, we would have figured this out. As to the 30 percent, you have your right to think what you want. Along with other Republicans, I have been called every name under the Sun, and I am still standing. There are people who will never let us get to yes because they have an irrational view of what it takes to fix this system.

There are voices in the White House that we all know very well that have

been telling us for years: You have too much legal immigration, and everything is amnesty. Don't listen to that voice or those voices because if you do, you are going to be right where Obama and Bush were. They tried, and they failed.

We don't have the luxury of failing anymore. March 5 will be here before you know it. I am not going to sit on the sidelines and watch these young DACA recipients have their lives turned upside down, because we are better than that as a nation. Equally but more importantly, I am not going to go any longer in allowing sequestration to destroy the military at a time we need it the most.

Look through the eyes of a soldier, and you will find out what to do on the military. Look through the eyes of a DACA recipient, and you will find out what to do there. Don't be blinded by loud voices and hateful people.

We owe it to this great Nation to fix hard problems. We owe it to those who are in the fight to give them the equipment they need to win a war we can't afford to lose. We owe it to the families of military members to have more certainty, not to be deployed so much. We owe it to ourselves to get these DACA kids right with the law because they will add value to our country.

To my Democratic colleagues, now is the time. Give us the space.

To my Republican colleagues, this is a defining moment for our party. Are we going to continue to be the party that can't get to yes? Are we going to continue to be the party that always has a reason not to do DACA, or are we going to be the party that finally realizes that these young men and women add value to our country and we welcome them with open arms and that they have to work to stay and they will?

To the defense hawks, the only way you are going to get your money is to deal with immigration rationally.

Senator DURBIN, we don't agree on a lot. I bet if you looked at our votes, we are 90 percent one way versus the other. But for 10 years, you have been a very good partner on comprehensive immigration reform. You have given. You have made people mad on your side.

To those who think they are going to deal Senator DURBIN out, you know zero about this issue.

To Senator MENENDEZ, you know the story of America better than I do because your family came here because they had to. America allowed you to leave a place that was horrible, and, boy, is that a great experiment in how things can turn out well. You cancel out my vote most of the time, but I appreciate your being here in this body trying to find a way forward for future immigrants. Your voice on this issue has meant a lot to me because I have not walked in your shoes.

Senator BENNET, thank you for being calm when a lot of us get hot. Thank you for caring about the meatpackers

because that is important to Colorado. Thank you for trying to push your party to yes.

To the people who have worked with me in the past on the Democratic side, some may say you have given nothing. I think you have given a good bit. I think we have too.

Senator FLAKE, you are from Arizona. You and Senator MCCAIN know this issue better than I do. He knows what it takes to secure the border, but he also understands the benefit of illegal immigration being fixed for the good of the country.

Senator GARDNER, I didn't know you much at all. You are the NRC chairman trying to make sure we hold on to this body, and, God, I hope we do—nothing personal, but I hope we do. I am amazed at how strong you have been. You have been under a tremendous amount of pressure to get out of this dealmaking business, and you have withstood that pressure. The people of Colorado should be very proud of you and Senator BENNET. We don't agree on a lot, but on this, you have been champions.

To the other people who came on board supporting the concept, the proposal, either in totality or the idea that we need to move forward, on my side of the aisle, I cannot thank you more. The well is pretty poisoned.

To the White House, I want to help you, but you have to help yourself. There is a way to do business around here that has stood the test of time. There are some things that will hurt you over time. When people want to help you—you may not agree with them, but you know they want to help you—take the help. When people disagree with you, understand there is always tomorrow.

To President Trump, you won the election. You beat me. Only you, quite frankly, Mr. President, can fix this problem because you have credibility others don't. Don't let this moment pass. Don't take us backward; take us forward.

Thank you all for trying really hard for a long period of time to do the right thing.

With that, I yield.

THE PRESIDING OFFICER (Mr. PERDUE). The Senator from Illinois.

Mr. DURBIN. Mr. President, first, let me thank my colleague from South Carolina. We have worked together for years, mainly on this issue. I want to tell you that he has demonstrated extraordinary insight and extraordinary courage time and again. I know we wouldn't even be standing here in this conversation without him.

LINDSEY, thank you. I know some of the challenges that I have put before you made life more difficult, and I hope you understand that I always knew you wanted to come to yes, you always wanted to fix this problem.

One of the things that you said that I would like to share is the passion we feel on this side of the aisle for the security of America. This morning, I was

invited for a breakfast with Secretary Mattis at the Department of Defense. I was happy to vote for his confirmation. He is another patriot, a man who served as a four-star general in the Marine Corps. I respect him very much, and I want to help him.

As the ranking member of the Defense Appropriations Subcommittee, I know what these dollar figures mean. It isn't just numbers on a page. We are talking about what Secretary Mattis told us this morning. A delay, another CR—the fourth CR this year—costs the Pentagon millions of dollars—millions of dollars to maintain the same spending level they had last year. That is wasteful.

How many families across America say: I am going to write exactly the same checks in January 2018 that I wrote in January 2017. That is mindless, and that is where you are with a CR. We just keep repeating the same things over and over at great expense.

We owe it to the Department of Defense, we owe it to the men and women of the military, and we owe it to the people we represent to keep this Nation safe.

I agree with Senator GRAHAM. We cannot ignore that there are other things that are priorities and have importance. In the nondefense area, to think that we would shortchange the Department of State—an agency of government which you have responsibility for in the Appropriations Committee—is a shortsighted effort that even Secretary Mattis would be quick to say makes no sense at all. We should be giving our Department of State the resources and people they need to make sure we are dealing at the area of diplomacy as opposed to war. That is just one example. Add the FBI. Add the Department of Homeland Security. They all need to be properly funded.

We cannot run the Government of the United States of America—the strongest and biggest economy in the world, one of the most powerful nations in the world—lurching from week to week and month to month without a budget. For goodness' sake, I plead with the Republican leadership in the House and the Senate, give us something we can work on together. A good place to start this—look for bipartisan. There are Democrats willing to sit down and work with you to solve the problems. But when we are given a “take it or leave it” budget proposal for 4 weeks at a time, it is a terrible way to run a country. I hope the leaders come to that same conclusion.

Let me zero in on the issue that brings most of us to the floor tonight, which was addressed by Senator GRAHAM. I have been at this for a while, a long while. My goal is to make sure that those who were brought to this country as children, who grew up in this country and, as BOB MENENDEZ has said so forcefully and effectively, pledged allegiance to that flag every morning in the classrooms across America—I have been fighting for

years to give them a chance to be part of America, the only country many of them have ever known. It has been a struggle.

When I couldn't pass the Dream Act or get 60 votes in the Senate, I went to President Obama and begged him to help, and he did. He created DACA. By Presidential Executive order, he created an opportunity for ultimately 780,000 young people to step up and get protection from deportation and the right to legally work in America. It has been an amazing experience.

As Senator GRAHAM said, it is hard to pick any large population in this country and not end up with some people who would embarrass you or some bad apples, but I will tell you consistently, over and over again, these young people, these Dreamers, these young people protected by DACA, have shown us over and over again why they have earned our confidence and trust. They worked so hard to be part of this country.

Those of us who were lucky enough to be born here never went through what they have gone through—learning that you are undocumented, realizing the doors are closed automatically no matter how good you are and how hard you work—and they kept at it. I want to tell you, we should be proud of them, and we should embrace them as the future of America because they bring so many talents, skills, and good values to our country.

With the DACA Program in place and all the people protected, the new President came in and said: I am going to end it. On September 5 of last year, he announced that it would end as of March 5 this year, and as of October 1, they would stop renewing the DACA protection.

What has happened is that 16,000 of these DACA-protected young people have fallen out of protected status. Luckily, a California court last week said: Keep protecting them until we resolve some of the issues. So they have a temporary, momentary protective order that they can turn to when it comes to this California decision, but there is no certainty of what happens next.

When I hear Senator MCCONNELL and others come to the floor and say there is no hurry, I invite them to meet some of these young people. I met a group in New York. There were about 12 of them in college, DACA-protected. They are working to get through college because they don't qualify for any program assistance because they are undocumented. As they went around the room, they said: Senator, we want to each tell you something.

Five hundred days.

Four hundred and twenty days.

Each one of them was telling me how many days they have left of DACA protection before they were subject to deportation and could no longer legally work in America. To say there is no hurry is to overlook the obvious. These young people are torn apart. Their

families are torn apart because of our lack of action.

Senator GRAHAM and I decided to do something about it, and we invited some good friends to join us. On the Democratic side, MICHAEL BENNET of Colorado and ROBERT MENENDEZ of New Jersey—we have been through this war before when we worked on comprehensive immigration reform. On the Republican side, Senator GARDNER of Colorado; Senator FLAKE of Arizona, who is on the floor; and Senator GRAHAM. And we worked at it for a long, long time. We had moments that looked like we were going to fall apart and never reach a conclusion, and we finally came together.

Last Tuesday, a week ago, when the President invited 26 of us to the White House and made his plea that we do something, we decided to sit down and do it, and we did. In a matter of 24 to 48 hours, we reached a final agreement on this bipartisan approach to deal with this issue of DACA. That is what we presented to the President when we went to the White House last Thursday.

I couldn't agree with Senator GRAHAM more that the President of last Tuesday is the one we need again—that President who said to us that what we are doing is an act of love; that President who said to us: Send me a bill. I will sign it, and I will take the political heat; that President who agreed with us that you couldn't do everything in immigration reform in one bill but you had to divide it. He agreed with that. I agree with him. That is the way we should move forward.

I hope the President listens to Senator GRAHAM and others in his own party and steps up and helps us finish this responsibility.

Let me say a word or two about another effort underway. At that meeting 8 days ago, Tuesday of last week in the White House, there was a suggestion that the leaders in the Senate and the House, both parties, should sit down and see if they can come up with an alternative. That was headed up by KEVIN MCCARTHY of California. I like him. I don't know him well. I have not worked with him on many things. But I will tell you he is a positive person. He is trying to come to a conclusion on something that might work, and we met today in his office to talk about it. At the meeting was Senator CORNYN of Texas, who is the whip of the Republican Senators; myself; and STENY HOYER, the Democratic whip of the House of Representatives. With us were Gen. John Kelly and Secretary Nielsen of the Department of Homeland Security. We met for about an hour and a half. It was the first attempt at a substantive meeting that we had had since this group started meeting 5 days ago. In the meantime, our staff had met four or five times, but this was the first time that Senators and Congressmen had sat down across the table. Needless to say—and no surprise to all of us because we have been through

this so many times—we really couldn't agree on the basics of how we were to get started here.

I said to Congressman MCCARTHY, the Republican leader in the House: This is hard work. This is heavy lifting. This takes time. People have to be convinced and have a chance to state their points of view. We don't have that much time. We are dealing with a deadline of January 19, and that happens to be just around the corner, 2 days away. We are also dealing with a deadline of March 5, which, sadly, could be a deadline, if we fail to meet it, that could see many people's lives changed.

I have continued to meet with this group, but I tell them over and over: We already have a bill here in the Senate. We have a bipartisan bill.

We addressed all of the issues that the President raised when we had our meeting in the White House on Tuesday of last week. This is a starting point. In fact, I think it is a good end point for us to point at.

Let me thank Senator GRAHAM for expanding the number of Republican sponsors. I do the math in the Senate. I have said that, as the whip of the Senate, I learned all of the skills I needed for this job in the first grade—how to count to 60. That is what it takes, many times in the Senate, to move controversial issues forward.

We have 49 Democratic Senators. I believe they are all prepared to vote for this compromise that we have before us, this bipartisan compromise. As of today, we have seven Republicans who have joined us in this effort. The math is simple. We have 56 Senators who are ready to move forward on this issue. It will only take four more, and I believe they are there. I have spoken to Republican Senators who have said: Maybe I cannot sponsor it, but I sure want to see it pass.

I think, ultimately, if we are given a chance to vote on this measure and move it forward, we can do it on a bipartisan basis. It will be one of the few times—rare times—that it will happen around this Chamber. In doing that, we are going to solve the problem that the President challenged us with—to replace DACA. It is a good approach, the one that we put together. I don't like all of it, but that is what compromise is all about.

I hope that my colleagues will join me in a bipartisan effort to make sure that before we go home this week, we move forward on this DACA issue so that we can say to these young people: We hear you; we literally feel your pain; and we want to be there to make sure you have a future in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I appreciate this colloquy. I appreciate my colleagues who have been through a lot on this proposal. Many of us have worked in prior years on immigration reform measures, and I think we have built up a level of trust between us that helps on these issues.

Senator DURBIN is right. There were a couple of times when you would just throw your hands up and say: I don't know if we can get there. Yet our staffs worked hard and well, and I do believe that we have a proposal that can get 60 votes. We have worked so long under rules of reconciliation that sometimes we forget that we have to get 60 votes around here. That is what this bill is designed to do. In the end, that is what it is going to take—60 votes.

I come from Arizona. We have a lot of Dreamers there, obviously, some 50,000. I have met so many of them over the years, and to say that they deserve this is an understatement. They have waited so long, some of them delaying their educations because of not knowing what is on the other side and some not being able to get the kinds of jobs that they need because of the uncertainty in their moving ahead. These are the people whom Senator GRAHAM said we want here. We ought to roll out the red carpet and say: Please stay here and help build your country. This is the only country they know. They have everything but the papers. So I hope we can move forward on this.

Let me talk about a few aspects of the proposal.

There are some who have said that the Democrats are unwilling to give on this. I hear that on my side of the aisle. I can tell you, on any compromise proposal—anything that is a bipartisan proposal—both sides are going to give, all sides are going to give. Yet this one, the Dream Act, of which I am a sponsor, would have a faster path to citizenship for kids. This is a slower path here, which is a big give on the Democratic side, from some 5 years to 12. That is not easy. It is not easy to tell people: You have to wait a little longer than you expected. It is part of the legislative process.

I know a lot of people aren't keen on some of the structure that will go along the border, whether it is called a wall or whatever, but those of us in border States realize that we need better infrastructure, that we need better security, that we need better technology, that we need more manpower, and it is all a compromise. That is what it is about, and that is why I appreciate this process.

I know that if we allow this to come to the floor and are able to present this proposal to our colleagues, we will have a lot more support than we have already on the Republican side.

It was said by some on our side today that the only way we can move forward is if we get an OK from the White House—if we know what they want and what the President will sign. I am not sure that we will ever get there unless we actually put a proposal on the floor of the Senate and debate it and vote on it. At that point, we will know. Then the White House will come and say: Yes, I can support that, or, we can support that with this change or that change. If we are waiting for the White House to come to us with a proposal

that it can support, we will likely be waiting a long time.

Many of us met with the White House, starting 6 weeks ago, in our asking for proposals on the border. We said: Tell us what the White House can live with. What is needed? What is a must have?

We waited and waited and waited for weeks and then got a big proposal with just about everything thrown in.

I would submit that we have to put something on the floor, and this proposal is ready. I think we ought to continue over the next couple of days to build support and add Republican and Democratic cosponsors. Then I would ask our leadership to put this on the floor. Let's see where the votes are. We have a short period of time. We don't have much runway. The last thing we want to do is to come right up against the deadline, right up against March 5.

The administration has asked the High Court to rule on whether or not there can be any further extensions or if March 5 is the "deadline" deadline. It is my opinion that the Court will come back and say: Yes, that is it. We have to be ready for that. We cannot afford to wait anymore. It is time with this proposal to put it on the floor.

Again, I thank my colleagues for their work on this. I thank the White House—those who have sat down and the President's comments the other day in that this needs to be a bill of love. I think that it is. It is also, as Senator DURBIN said, a bill that is tough, that has border security elements, as we want to make sure we are not in this situation a few years from now.

We have to have a bill, first and foremost, that has the support to pass the House and the Senate. That is what this is. Make no mistake in that this is the bipartisan approach. This is the only game in town. As much as others want to say that they are going to reach an agreement, they are basically where we were a few months ago. They have a long way to go. We have a proposal here that can garner enough support to pass the Senate, so let's move on with it.

I yield to Senator MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me start off by thanking my colleague from Colorado, who got here earlier than I and is giving me the opportunity to move ahead. My daughter is in town. I would like to see her, but this is important, and I appreciate his courtesy.

I am thankful for Senator DURBIN. As someone who has been involved in immigration reform for the better part of the 26 years that I have been in the House and the Senate, his passion on this singular issue within the overall immigration question is unquestionable in how we take care of these young people—young people who, in every respect except for birth, are Americans. It has been extraordinary. It couldn't have a better champion, and I appreciate that.

To my friend and colleague LINDSEY GRAHAM, I appreciate his courage because it is not one of those things he really has to tackle. I appreciate his understanding of the institution as to how to get there and his knowledge in bringing people together. I don't always like what I hear from him, but by the same token, he doesn't always like what he hears from me, particularly on this issue. Nonetheless, he is an extraordinary American.

To the rest of my colleagues and certainly Senator BENNET, who was part of the Gang of 8, when we went through this a couple of years ago, it passed in this very same body with 68 votes—comprehensive immigration reform. Unfortunately, it just languished in the House of Representatives or we wouldn't be talking about any of this, largely, today. We would be well on our path to border security, well on our path to future flows, well on our path to what immigration would look like in the future, and, of course, a pathway for all of those who have worked hard in this country and obeyed the law in every other respect.

To Senator FLAKE, who was part of that group, I really appreciate him. We don't always agree on everything. On foreign policy, we have a disagreement or two, but on this, we have been locked in laser-like. I appreciate his willingness, especially in the final year he has decided to serve here, to take on this challenge.

Look, we are about working on finding common ground on some of the most pressing immigration issues that really go to so many things—national security, the national economy. I cannot secure America if I don't know who is here to pursue the American dream versus who is here to do it harm. For that, one has to bring people out of the shadows and into the light and have them go through criminal background checks to know. I cannot thrust that economy even beyond—into warp drive unless we have everybody fully participating in an open, above-the-ground economy. One of the most urgent of these issues is the uncertainty faced by 800,000 Dreamers across America who qualify for protective status under the Deferred Action for Childhood Arrivals Program, which we call DACA.

It is no secret that I deeply disagree with the President's decision to end DACA. In my view, nothing good could come out of a decision that jeopardizes the lives of 800,000 DACA recipients, including 22,000 in my home State of New Jersey who are living lawfully under DACA and working and studying across our country. This is a program for which I advocated with the previous administration, with President Obama. Congressman GUTIÉRREZ and I and the Congressional Hispanic Caucus were there and actually gave him legal memos written by attorneys from across the country—experts in this field—as to why we thought he had the power to do what he did. I still think that is true. Regardless of that point, we are beyond that.

DACA was never a perfect program, nor was it a replacement for truly comprehensive immigration reform—an effort to which I remain committed today, as I was in 2013 when we passed those historic reforms to our immigration system—the greatest pass in the Senate since the days of President Ronald Reagan.

DACA still did tremendous good for this country. It allowed 800,000 upstanding, undocumented, bright young people who came to this country as children, through no decision of their own, to come out of the shadows, step into the light, and pursue their dreams without fear of deportation, without fear that the knock at the door was not a member of their family coming back home from work or their neighbor but an immigration agent.

When we talk about Dreamers, we are talking about young men and women who have grown up in America in every sense of the word. The only country they know as home is the United States of America. The only flag they pledge allegiance to is that red, white, and blue with the stars, the flag of the United States. The only national anthem they know and want to sing is “The Star-Spangled Banner.” The only country they know is America. They are not undocumented immigrants, they are undocumented Americans who have proven themselves to be a great asset to this Nation.

Dreamers are studying in our colleges, they are playing on our sports teams, they are teaching in our schools, and they are wearing, as Senator GRAHAM talked about our military and the need to respond to the economics of our military needs—many of these young people are wearing the uniform of the United States, putting themselves at risk to defend the only country they know. They are innovating in our economy, enriching our communities, and otherwise obeying our laws, and most of all loving this country because it is their country too.

Yet the administration has slapped an arbitrary expiration date on their dream. In doing so, the President created a national emergency and one that only Congress can solve. So this is what I and the Gang of 6 set out to do. Is this proposal ideal to me, the son of immigrants representing one of the most diverse States in the Nation? I can tell you, absolutely not. Is it ideal for my friend LINDSEY or Senator FLAKE? I would expect they would say no, but that is the reality of compromise. That is what governing is all about. It is about making tough decisions in order to advance the greater good. This deal is not ideal to any of us, but it is acceptable to all of us. If more of our colleagues join us, I believe it will be ultimately acceptable to the President as well.

Despite the mixed messages sent by the administration, I have to believe, in order to keep on going, the President meant what he said when he called our Dreamers remarkable kids. I

have to believe the many times I heard him speak about the Dreamers with compassion, about treating these bright young people with heart, I have to believe that when I sat around that conference table with my colleagues at the White House, the President meant what he said when he spoke of an immigration system that encourages people to do a good job and to have a resolution that is one of love. Well, I will tell all of my colleagues what I told President Trump that day, once the cameras turned off and we had the room to ourselves. I told him he had the political capital to spend; that President Nixon was the ultimate anti-Communist, yet he was the one who opened up China; that President Reagan was the most antitax Republican ever elected, yet he ultimately saw the need to increase rates. No one questions this President's harsh views on immigration, which is precisely why he has the opportunity to do something big.

During last week's bipartisan summit, the President said that if Democrats and Republicans reached a deal, he would sign it. He told us to develop a proposal, one that resolved the DACA challenge and protected America's Dreamers and addressed tough issues like border security, family reunification, and diversity visas. He gave us that charge, and we came together and ran with it. A lot of hours were spent—many more by our staff—hashing out the issues in search of common ground, and finally we arrived at an agreement that I believe Congress can and must send to the President's desk before it is too late.

Now, let me be clear. Striking this deal was no picnic. To my Republican colleagues who say this bill isn't tough enough, I encourage you to take a closer look. Look at the hard choices I had to make as the most senior Hispanic American in the U.S. Congress, as the son of immigrants whose parents' thirst for freedom brought them to these shores, as the senior Senator for New Jersey, one of the most racially and ethnically diverse States in the Nation.

Never could I have imagined, for instance, accepting fundamental changes to the Diversity Visa Program because diversity, in my view, is one of America's great strengths, and New Jersey is living proof. In my State, it is hard to find any community that hasn't been touched in a positive way by the Diversity Visa Program. I remind my colleagues, every night in the darkest corners of the world, there are people who pray with all of their might for the opportunity to win a diversity visa—which, by the way, you have to pass all of the background checks, criminal and otherwise, in order to still come to this country. It isn't a grab bag. You still have to go through a series of background checks. They aren't even looking to win \$1 million, but they want to win a one-in-a-million chance to come to America.

I have never supported building a wall at our southern border—any type—even when the President told us that Mexico was going to pay for it, but the President must know this proposal includes billions of dollars for his border security priorities, from barrier construction and development to southwest border technology acquisition.

Then, of course, there are the restrictions on family reunification. I don't believe in this chain migration. When you want to dehumanize people, you talk about chain migration, family reunification, but whatever you call it, the restrictions of family reunification are what our Republican counterparts insisted upon—new limits on what some divisively call chain migration.

For example, legal permanent residents in the United States will no longer be able to sponsor their adult children to join them in America. That is a big deal. For me, this was a tough decision as it imposes a limitation on our legal system of family immigration, one I only accepted after we secured other measures to streamline reunification for spouses and young children.

That is not the only hard choice we had to make when it came to family. Yes, this legislation gives Dreamers the opportunity to earn a 12-year path to citizenship, but the price we pay for that earned pathway to citizenship is that we provide no such path for the parents who brought the Dreamers here illegally. As a result, Dreamers will not be able to petition for their parents, but their parents will be eligible for temporary legal status and work permits. That is an incredibly difficult choice for me, but we did it. Ultimately, I accepted it because it keeps families together, which I have always thought both parties were always about—family values, the family unit, the family as the center of American life. So this proposal protects parents from deportation. It leaves open the possibility to fight another day to provide a pathway for parents to earn citizenship.

The President spoke of taking heat for a compromise on Dreamers. Let me tell you this, as the most senior Hispanic American in Congress, I will get a whole lot—and have already—of heat on these concessions, but I will gladly take that heat in order to protect Dreamers who deserve to stay in the only home—the only home—and the only country they have ever known.

Look, we all know there will be voices on the far left and voices on the far right that say this deal makes too many compromises. To my friends in the immigration advocacy community as well as my Democratic colleagues, I remind you that legislating is the art of the possible—something I know we don't necessarily always get into our psyche, and hopefully it will not be for much longer, but we are in the minority in both Chambers of Congress. The opposing party occupies the White

House. We may not enjoy that reality—I certainly don't—but it is the reality nonetheless. In this reality, sometimes stopping something bad from happening is our best shot at making something good happen. The best we can do is to stop something bad from happening in order to try to make something happen, but, eventually, to make that something happen, we are going to have to have a compromise that brings others to this effort as well as we have here tonight. Without it, we fail the 800,000 Dreamers counting on us to reach the finish line.

To my Republican colleagues, I ask you to remember the tough concessions we had to make so Dreamers have a chance to earn citizenship in the countries they know and love. In short, this deal was negotiated in good faith, with both sides making tough decisions in service of the greater good. What good could be greater than keeping American families together?

Consider the fact that 25 percent of DACA recipients are the parents of a U.S.-born child. I refuse to believe we are a country that tears young mothers and fathers away from American children to send them back to countries they don't even know.

Let me close by reminding us that we all, I am sure, held celebrations on Monday for remembering the life of Dr. Martin Luther King. It was he who said:

We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history, there is such a thing as being too late. Procrastination is still the thief of time.

My friends, the fierce urgency of now, as my colleagues have talked about, is confronting us yet again. We cannot let the clock run out on the American dream, we cannot keep tearing families apart, and we cannot pass up this opportunity to make history right. Let's honor Dr. King's legacy by treating this crisis with the urgency it deserves.

Join us, and together we can send this legislation to the President's desk without delay. There is no time left to spare. If we want America's Dreamers to have a future in this country, we must act as if tomorrow were today.

I thank the Presiding Officer, and I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Colorado.

Mr. BENNET. Mr. President, in my typically classy fashion, I dropped the microphone before I began to speak.

I was glad to yield to my friend from New Jersey when he told me the reason why because I have three daughters at home, and if one of them—if I were fortunate enough to have one of them here in Washington, I would want to be having dinner with her, too, instead of being here, but I am here tonight for them and for families just like the other Senators have talked about.

My family has an interesting immigration history that people are sur-

prised by sometimes when I talk about it. My mom and her parents were Polish Jews when World War II broke out. Miraculously, they survived the Holocaust. They and one other member of the family survived, and they actually lived for 2 years behind the Iron Curtain, in Eastern Europe. They were finally able to get to Sweden where they lived for 1 year, and they came to Mexico—of all places, Mexico City—where they lived for 1 year. Then they finally made it to America, a country they believed was the only place on the planet where they could rebuild their shattered lives, and that is what they did. They contributed mightily to this country. They contributed mightily to me, to my brother, and to my sister.

When I hear the stories that I hear from my colleagues tonight, what it makes me realize is that my family's story is not unique, but it is what makes America unique because you can't tell my family's story in almost any other country but this country.

I had the chance, when I was first in this job, to go to Fort Carson in Colorado to a naturalization ceremony there. There were 30 people from every corner of the globe in our uniform because they were fighting for America, but they weren't yet citizens. They took the oath to that flag, and I used to carry around the list of the countries they came from because out of 30, only 2 came from the same country. Twenty eight came from places all over the Earth, and I sat there thinking to myself how lucky we are to live in a place where that could be true. It is not true in any other country on the planet.

I want my children to grow up in the country I grew up in—a country that is a nation of immigrants committed to the rule of law. That is why I was grateful to have the chance to be part of the Gang of 8 that negotiated the comprehensive immigration bill. I was sorry when that didn't ever get a vote in the House, because I think it would have passed had it been voted on in the House. That bill, which contained \$40 billion for border security, would be well on its way to implementation today, and I think our political debate as a country would be very different than the political debate we have been having now, which would be good for our country and remind us of the values that we share. Unfortunately, we are not in that position today, and we are left with a problem, trying to deal with the fact that the Executive order that President Obama wrote for the DACA population has been set aside by this President, who then said: Congress needs to figure out what to do about it. That is why we are here tonight.

We have had a negotiation now for more than 4 months with what has evolved into the Gang of 6, and I am very pleased that in that effort we were joined by the Presiding Officer, who is my colleague from Colorado. We are the only State that has two Senators on this Gang of 6—one is a Democrat,

and one is a Republican. I thank my colleague for his courage and for his leadership at a moment when there are a lot of reasons why this isn't a comfortable place to occupy. But I think it says something about Colorado that at a moment when we have all this craziness going on in Washington and at a moment when the country can't see any sign of a bipartisan pulse here, when our approval ratings hover somewhere between 9 and 15 percent, there is a reason there is a Democrat and there is a Republican from Colorado who actually tried to solve a problem on the floor of this Senate with our colleagues, and that is because Colorado is an excellent place to live and an excellent place to be from.

The citizens of Colorado have watched the train wreck over the last 10 years in this Congress from a State that is one-third Democratic, one-third Republican, and one-third Independent. They have to work together to get anything done. Nobody gets their way all the time in the State of Colorado, and they expect this place to work like that as well, and it doesn't work like that enough.

So I want to thank again my colleague from Colorado. I want to thank Senator DURBIN, who is here, Senator MENENDEZ, and I also want to say to Senator FLAKE and Senator GRAHAM: Thank you for your courage. When you put together a compromise like this, which I think is a good compromise—it is not the bill I would have written if it were my decision. I would have had a 5-year path for the Dreamers, not a 12-year path or a 10-year path in some cases. I would have had a 5-year path. If I were writing this bill, I wouldn't have insisted that Dreamers not be able to sponsor their parents. The hour is late. It is actually not that late. We should be working, but I understand why the Republicans who negotiated this in good faith needed those concessions. I understand it.

I am not thrilled with the President's idea that we need to build a wall to secure the southern border. I do believe strongly that we do need to secure our southern border, just as I know the Republicans that have been in this negotiation believe, as I believe, that there should be a pathway for citizenship for a population of people in our country who know no other country but the United States of America, any more than my own children know any other country besides the United States of America.

There isn't, unfortunately, anybody else to do this work except for the 100 Members in the Senate and our friends in the House of Representatives. So our tendency has been to just avoid it and to put it off, and we don't have that luxury anymore because they are no longer protected. Every day in my State there is another family broken up because of the deportation that is going on, and I don't think there is virtually anybody who is a Member of this body who believes the answer for the

Dreamers is that they should be deported or that families should be split up. We may have disagreements about how to get there, but that is what the last 4 months of negotiation have been meant to sort out—to find a middle spot where we could land and where we would get not every vote in the Senate but more than 60 votes in the Senate and where we would get a bill passed in the House of Representatives. I think we found it, and one of the things we have done is to meet the four requirements that the President said he wanted when he had us over to the White House: One was DACA. That is the modified Dream Act. One was border security. We have got \$2.7 billion of border security in this bill. One was ending what he calls chain migration, which for the DACA population we do by saying that no parent can be sponsored by any child. And he said that he wanted to get rid of the diversity lottery, which we do. He may not love every part of it. I don't expect anybody to, but I do think this is the way we can move this forward, and I think we should move it forward.

BOB MENENDEZ talked about the fierce urgency that now we treat the lives that are affected by the decisions we make or, in most cases, the decisions we don't make as collateral damage that somehow we shouldn't concern ourselves with. I don't think we should go home until we address this. I don't think we should leave Washington until we address this.

Actually, I will say that I agree with something Senator GRAHAM said. Because of these crazy continuing resolutions—let me just say, in case there is the unlikely event that there is anybody actually watching this on television right now, that a continuing resolution is no different than a temporary budget, and that is all it is—now we have gotten to the place where we were running the government on continuing resolutions for the last 10 years or so. We have passed 30 continuing resolutions. We didn't get our work done at the end of the year for some reason. So now we are going to do the work we should have done at the end of the year with a continuing resolution. They are now talking about another 2-week continuing resolution. Every time you hear the words “continuing resolution” you should think of it as a temporary budget. That is what it is. It might be hard to understand it because not a single school district in our State or a single municipality in our State and not a single State among the 50 States would ever run their affairs this way, but for the last 10 years, that is the way we have run the government in a game of chicken, of fiscal cliffs, government shutdowns, and continuing resolutions. So we are now enacting laws that reflect the priorities of whoever was in the Senate 10 years ago, because that is the last time we actually had a real appropriations process around here and a real budgeting process around here. So

SENATOR GRAHAM is right when he said what he said about the defense of this country. Because of continuing resolutions, we have aircraft that are grounded for lack of parts because the budgets make it impossible for them to plan, and that means that we can't train folks to fly those aircraft, to defend us if we have to do something on the Korean Peninsula or something else.

On the other hand, on the domestic side of things, since 1980 we have cut domestic discretionary spending in this country by 35 percent as a percentage of our GDP. The Presiding Officer knows as well as I do that if you were in rural Colorado 10 years ago, you didn't hear much about opioids, but now when you have a townhall meeting in rural Colorado or when you live there, as the Presiding Officer does, you know that people actually have less access to treatment today than they did 10 years ago, and I think that is a consequence of our inability to budget properly around here and the inability to deal responsibly with our fiscal matters. It is like we have a perpetual head cold around here that robs us of our ambition to actually do anything or energy to actually do anything, and I am afraid that has infected this discussion about DACA as well.

So I want to close by saying that this is the moment when we need to do this. There is not going to be another alternative that can be supported by 60 Senators here, potentially by the President, and by the Dreamers. We are not going to succeed at passing a piece of legislation if the Dreamers feel like we are doing something to their parents that we would never accept for our own families. That is their bottom line.

I have been amazed by the young people who I have met over the years and most recently in this debate, who are saying to me: Don't sacrifice my parents for me. I would rather deal with the uncertainty of my position than to know that a trade was made that I can't live with for the rest of my life. That is at the heart of this compromise here, and I think it is entirely consistent with our traditions and values as Americans—entirely consistent with that.

So my hope is that all of us hear the voices of these Dreamers, who are contributing at their universities and in our workplaces all over the country, just like our own sons and daughters, and that we actually do something around here for once that is not predictable and that the American people will cheer for, just as the people in Colorado are glad. It is not every single one, but by and large, the people in Colorado are glad that the Presiding Officer and I are working on this. The only way that is going to happen is if we find a way to come together over the next couple of days and do something, other than what people say we are fated to do, which is have another interruption in the activities of our government over a political disagreement when the parties are actually

much closer than they have been for a long time. We have a good compromise. We have a good piece of legislation. We have a piece of legislation that if it were put on the floor could get 60 votes.

I want to close by again thanking my colleagues. There is a lot around this place that I feel embarrassed about, but I think that if the American people could have seen the negotiation that went on for 4 months, they would have been proud of what they saw because they would have seen Republicans and Democrats coming together not to

have one more political fight but to actually solve a real challenge that is facing our country and to do it in a way that is consistent with our traditions as Americans.

So I hope in the next couple of days we have the chance to pass this bill. I thank my Republican colleagues who signed onto the bill today for giving us the momentum we need to move into the next day or two, and I look forward to succeeding around here for once.

Once again, I want to thank my colleague from Colorado, the Presiding Officer, for his partnership on this legislation. I think it has meant a great

deal to the people he and I represent, and I, as a Coloradan and as a constituent of his, want to thank him for the position that he has taken.

With that, I yield the floor.

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ADJOURNMENT UNTIL 11 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. tomorrow.

Thereupon, the Senate, at 8:15 p.m., adjourned until Thursday, January 18, 2018, at 11 a.m.